

Joint Melksham Neighbourhood Plan 2

Site Allocations Topic Paper

Version: Submission September 2024

Contents

1 Introduction

2. Strategic Planning Sites Allocation Context

3. Joint Melksham Neighbourhood Plan 2 Site Allocations

4. Strategic Environmental Assessment

5. JMNP2 Allocations Approach

6. Addressing Flood Risk (Cooper Tires)

7. Addressing Specific Site Allocations

Melksham

7.1 Land at Cooper Tires

7.2 Former Library and Lowbourne House

7.3 Land South of Western Way

Shaw and Whitley

7.4 Whitley Farm

7.5 Middle Farm

Appendices

- 1. Cooper Tires**
- 2. Library Site**
- 3. Land South of Western Way**
- 4. Whitley Farm**
- 5. Middle Farm**

1. Introduction

This topic paper discusses the technical allocation process of development sites within Joint Melksham Neighbourhood Plan 2 (a modification of the 'made' Joint Melksham Neighbourhood Plan – referred to as JMNP1).

The Joint Melksham Neighbourhood Plan 2 (JMNP2) is currently at submission draft stage.

This topic paper sets out:

- The strategic context within which JMNP2 allocations are being progressed
- The JMNP context and drivers for sites allocation
- The approach and process undertaken by JMNP2 to identify, assess and propose allocations
- Specific evidence relating to addressing flood risk and site selection
- Evidence that supports each proposed allocation site.

7.1 Land at Cooper Tires Factory, Melksham

7.2 Former Library, Lowbourne, Melksham

7.3 Land south of Western Way, Bowerhill

7.4 Whitley Farm, Whitley

7.5 Middle Farm Whitley

2. Strategic Planning Sites Allocation Context

Wiltshire Local Plan (WLP) Sites Assessment

Between January and March 2021, Wiltshire Council ran a Local Plan review (Reg 18) consultation. This was a consultation on key components of the Local Plan review and included initial site allocation options following the first stages of its assessment and shortlisting of sites put forward through its Strategic Housing and Employment Land Availability Assessment (SHELAA).

In July 2023 Wiltshire Council published the draft Wiltshire Local Plan (WLP) for consultation¹, known as Regulation 19. As part of this, a draft neighbourhood plan housing requirement for the JMNP2 to plan for in the period up to 2038 was included. This was c200 dwellings at Melksham and Bowerhill and a further c70 dwellings at Shaw and Whitley. The overall figure for Shaw and Whitley includes land already allocated by JMNP1 for c18 dwellings at Middle Farm and commitments for five further dwellings. The residual requirement for Shaw and Whitley is therefore c50 dwellings.

The Reg 19 draft Wiltshire Local Plan identifies a “residual” need for 1120 new homes and c8 hectares of employment land (Wiltshire Employment Land Review 2023²) to be planned for at Melksham and Bowerhill by 2038.

The draft WLP proposes the allocation of three strategic sites with assessed combined capacity for c845 dwellings and 5 hectares of employment land.

This leaves c275 homes and c3 hectares of employment land to be planned for.

Combining the WLP housing allocation and the Neighbourhood Plan housing requirement of c200 at Melksham (845 + 200) leaves a small shortfall of c75 dwellings left to be planned for. In addition, there is a need to address further need for c3 hectares of additional office and industrial space, not allocated by WLP.

The methodology and full assessments are published with draft WLP Regulation 19 evidence base³. The greenfield strategic sites proposed for allocation by draft WLP are those assessed to be the least harmful and most sustainable against a range of sustainability assessment criteria.

The proposed draft WLP allocation of site 3692: Land north of Bath Road, and Site 3478; and Land North of A3102, sites 3678 and 3701 combined to assemble WLP site 1, which forms

¹ The Regulation 19 consultation on the draft Local Plan took place between Wednesday 27 September, to Wednesday 22 November 2023. The draft local plan published as part of this consultation is available for download: <https://www.wiltshire.gov.uk/article/8048/Regulation-19-consultation-autumn-2023>

² https://www.wiltshire.gov.uk/media/12022/Wiltshire-Employment-Land-Review-2023/pdf/Wiltshire_Employment_Land_Review_2023.pdf?m=1695745989410

³ <https://www.wiltshire.gov.uk/article/8048/Regulation-19-consultation-autumn-2023>

part of draft allocation Policy 18, Land East of Melksham. This excluded them from JMNP2 options.

Wiltshire Council Sustainability Appraisal

The WLP site assessment process has informed the identification of 17 reasonable alternative strategic sites at Melksham that were subject to further assessment through the Wiltshire Council Sustainability Appraisal (SA) methodology⁴.

The SA has identified the likely effects of developing these sites against a range of sustainability criteria. This assessment has informed the selection of preferred site options by Wiltshire Council.

Site assessment scores ranged from -3 to -9. Sites 1 and 9 were the most sustainable sites when assessed against objectives in the SA Framework. In summary:

- Sites 12 and 14 were the least sustainable
- Sites 1 and 9 are considered the most sustainable
 - Site 1 land East of Eastern Way (SHELAA sites 3123, 3525 (Land at Snarlton Farm), 3552, 3678 (East of Eastern Way, 3683, 3692 (East of Eastern Way), 3701, 3704, 3752)
 - Site 9 Land South of Western Way (SHELAA 1025)

Addressing Melksham's Employment Needs

The draft WLP Strategy for Melksham⁵ includes a set of Place-shaping Priorities (PSPs). PSP 2 highlights a key local ambition: *“Reducing out-commuting: Reduce out-commuting through an improved employment offer, including delivery of new employment land to allow existing businesses to expand and to attract inward investment”*.

The Wiltshire Employment Land Review (ELR) 2023 identifies a need to plan for between 0.5ha-1.2ha of office space and 6.9ha of industrial space at Melksham to 2038.

The draft WLP strategy for Melksham states: *“there are very few available sites left in the town for business expansion or inward investment and there is ongoing demand for more employment.”*

As set out above, there remains an assessed shortfall of employment land allocation (c.3 hectares) and there is a need and demand for the optimum use of existing and previously developed employment land including edge of town centre sites to meet need for office space.

⁴ https://www.wiltshire.gov.uk/media/12012/Sustainability-Appraisal-Report-September-2023/pdf/Sustainability_Appraisal_Report_September_2023_formatted.pdf?m=1695901099477

⁵ https://www.wiltshire.gov.uk/media/11967/Planning-for-Melksham-September2023/pdf/Planning_for_Melksham_September2023.pdf?m=1695727857577

3. Joint Melksham Neighbourhood Plan 2 Site Allocations

Site identification, Assessment and Selection

Melksham Town Council and Melksham Without Parish Council are Qualifying Bodies (QBs) for JMNP2. The QBs have each endorsed the process, evidence and draft JMNP2 contents including draft site allocations.

QBs appointed the Steering Group (SG) of Councillors and members of the community to progress the JMNP2. The SG has guided, endorsed and made recommendations to the QBs including processes, evidence, engagement and drafting of sites allocations. This work has all been supported by professionals producing technical assessments and information, and by Wiltshire Council officers.

The SG established a specific sites allocations Working Group consisting of SG members and members of the community. The WG led the sites identification, assessment and selection process and made its recommendations to JMNP2 Steering Group.

The sites allocation process, outlined below, followed an open and robust process combining independent assessment, community, stakeholder and owner engagement.

JMNP2 Sites Identification, Assessment and Selection Stages

JMNP2 has undertaken its own sites assembly, assessment and selection process. Out of necessity, it was commenced before Wiltshire Council was prepared to publish more than the Local Plan Review (Reg18) January – March 2021 strategy and evidence or a neighbourhood plan housing requirement.

Site identification combined sites promoted through Wiltshire Council's SHELAA with additional sites put forward through a local "call for sites" undertaken between 27th April and 5th June 2022. As a result of this, 109 sites promoted through the JMNP2 process have been subject to a five-stage assessment to justify, and inform the criteria and deliverability of proposed allocations.

Stage 1: AECOM Initial Assessment

This stage was undertaken by consultant AECOM through Locality's Technical Support to JMNP2. Stage 1 Excluded:

- Sites under construction or with planning permission *
- Unavailable sites
- Large "strategic" sites that are not within or immediately adjacent to the settlement boundary at Melksham and Shaw and Whitley.

*Assessment of Site 1025 (Land South of Western Way pre-dated granting of outline consent for development of 210 dwellings).

Stage 2: Assessed all remaining sites using a neighbourhood plan site appraisal proforma developed by AECOM based on the Government's National Planning Practice Guidance (PPG) and the Locality Site Assessment Toolkit.

At Melksham and Bowerhill, Stage 2 assessment identified 1 site (for 10 dwellings) appropriate for allocation and 25 sites less or potentially suitable, that may be appropriate for allocation through the Neighbourhood Plan, if certain issues can be resolved or constraints mitigated. This included land being within Flood Zones 2 and 3 or having existing policy restricting residential uses.

At Shaw and Whitley, it identified the site allocated by JMNP1 as suitable and 6 as potentially suitable.

At Melksham and Bowerhill, twelve sites were greenfield land outside of the settlement boundary. NB at the time of assessment, Land South of Western Way (Site 1025) was not considered suitable due to its greenfield status outside of the settlement boundary and its contribution to maintaining separation between Melksham and Bowerhill.

Stages 1 and 2 identified an indicative total potential housing capacity of 2269 – 3093 dwellings.

Stage 3: Engagement with Wiltshire Council to coordinate the JMNP2 allocations strategy with the emerging WLP.

Wiltshire Council's publication of the Regulation 19 draft WLP in July 2023, revealed the greenfield sites identified by JMNP2 assessment as potentially suitable that had been proposed for allocation by Wiltshire Council Local Plan, including land to the north of the A3102 and land north of Bath Road, adjacent to Melksham Oak School. These sites and all land that comprises WLP allocation Policy 18, were removed from potential JMNP2 selection, severely restricting JMNP2's allocation opportunities to meet its requirement.

Stage 4: Assessment undertaken by the JMNP2 Working Group and Steering Group with regard to:

- Adopted Wiltshire Plan Policy,
- Adopted and proposed JMNP1 and 2 Objectives and Policies,
- Wiltshire Council Local Plan Housing Requirements and Allocations,
- Stage 1 and 2 sites assessment results,
- Strategic Environmental Assessment alternative strategies,
- Community and stakeholder feedback,
- Flood risk,
- Testing allocation viability,

- New circumstances (consent of land South of Western Way, site 1025).

It identified and further shortlisted remaining available sites, with sufficient capacity to make a significant contribution to meeting the JMNP2 housing requirement of c200 at Melksham and deliver affordable housing.

Sites with existing constraints, including being protected by existing or proposed employment policy / designations or being within viable employment sites protected by Core Strategy policies, e.g. sites 3333, 3334 and 264 (Upside). Emerging JMNP2 designations including Green Wedges Policy and Local Green Spaces Policy, including site 1000 (parts of which are nominated as LGS) and sites 728, 1005 and 1006 located within proposed green gaps to protect settlements from coalescence. This ruled them out of being suitable at the Stage 4 assessment.

Stage 5: Informal dialogue with the promoters of shortlisted sites re-affirmed availability and secured confirmation of deliverability in accordance with policies and how the site allocation would address constraints and community needs.

4. Strategic Environmental Assessment

Considering Alternative Approaches

JMNP2 has been prepared alongside and informed by an independent Strategic Environmental Assessment (SEA) Report (AECOM 2023). This considered the relative sustainability of brownfield and greenfield land allocation options at Melksham and then assessed options at Shaw and Whitley.

Melksham

To support the choice of a development strategy for the JMNP2, the SEA process has assessed the following options as reasonable alternatives:

- Option A: Meeting housing needs through brownfield site allocations.
- Option B: Meeting housing needs through greenfield site allocations.

Utilising the SEA Framework of objectives and assessment questions developed during the earlier scoping stage of the SEA, the appraisal has been presented through the eight SEA themes which have been scoped into the assessment.

Overall, Option A performs more favourably than Option B, and is ranked the most favourable option with respect to each SEA theme.

Option A: Prioritisation of Use of Brownfield Land at Melksham

The JMNP2 approach to prioritisation of brownfield land allocations is in accordance with nation planning policy and guidance. National Planning Policy Framework (NPPF), paragraph 123 states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

Paragraph 124(c) states that planning policies and decisions should;

“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

Option B: Greenfield Site Approach at Melksham

It is recognised that greenfield sites at Melksham remain available and assessed as being potentially suitable, outside of flood risk zones 2 and 3.

The majority of promoted greenfield sites are discounted due to Local Plan allocation or conflict with made or emerging JMNP policies notably:

- Policy 16: Local Green Spaces
- Policy 19: Green Wedges

Land at Snarlton Farm (Site 3525) is promoted as providing a deliverable alternative site to allocation of brownfield land. Partial allocation of the site could provide capacity to meet housing requirements within a greenfield approach. It was not selected as it is located less sustainably than available brownfield sites. It would not provide a sustainable location for commercial or employment uses including town centre and edge of town centre class E uses. Its allocation would not enable the viable mixed-use regeneration of the available brownfield land or heritage assets at Cooper Tires or the former library site. In addition, the greenfield site is less-well suited to the provision of accessible extra-care housing than the former library site within the town centre area, which Wiltshire Council have promoted and have provided deliverability evidence for. Should overall housing requirements change, it is considered that the large site should be assessed and addressed in relation to existing strategic allocations to the north through a review of the Local Plan. As outlined in the NPPF⁶, the JMNP seeks to allocate small and medium-sized sites.

Following its granting of outline consent and with regard to the WLP assessment of its sustainability, Land South of Western Way has been proposed for allocation in JMNP2 to respond to changed circumstances as discussed in section 5.

SEA Addendum Report

In response to changed circumstances, additional evidence and initial Regulation 14(A) consultation representations, draft proposed allocations were revised. This included;

- Revision to Policy 7.1; Land at Cooper Tires to support development of at least 100 dwellings.
- A new allocation of Land South of Western Way to enable development of c248 dwellings (including care home).
- A new allocation of Land at Middle Farm Whitley for c55 dwellings that consolidates the previously (Reg14A) proposed two separate allocations into a single new allocation (7.5 Land at Middle Farm).

The revisions were considered of a significance that required they be subject to a further addendum SEA process.

The addendum report was prepared in June 2024. It concludes that the revised and new allocations maintain a sustainable approach to development allocations, prioritising brownfield land allocations in combination with allocation of the most sustainable greenfield option with potential to meet and exceed JMNP2 housing requirements, supporting viable brownfield regeneration and enabling the delivery of affordable housing to meet local needs at Melksham and Shaw and Whitley.

⁶ [National Planning Policy Framework, December 2023](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)
https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

5. JMNP2 Allocations Approach

There is no obligation on JMNP2 to allocate sites to fully or partially meet the identified draft housing requirement proposed by the Regulation 19 Wiltshire Local Plan. JMNP2 is not required to have regard to emerging NPPF and housing land requirement changes proposed by the new government in summer 2024. Nonetheless JMNP2 plans to allocate land for housing and mixed use development that meets the entire draft neighbourhood plan housing requirement for Melksham and a substantial proportion at Shaw and Whitley set in the emerging Wiltshire Local Plan up to 2038.

JMNP2 is taking a positive approach to site allocations and is driven by securing the best development outcomes for the community, which has been informed through engagement.

This combines enabling the appropriate and balanced regeneration of brownfield land for homes and employment, and ensuring the most sustainable available greenfield site delivers housing that meets local needs to a high standard of connectivity, design and construction.

Following the process of site assessment and selection set out in earlier parts of this report, the subsequent stages of allocation progressed into a formal stage of consultation (Regulation 14) on pre-submission draft of the JMNP2. For 7 weeks, between the 13th October and 3rd December 2023, a pre-submission Regulation 14 consultation was held on the draft JMNP2. We received over 980 individual comments.

Since the 2023 Regulation 14 Consultation on the pre-submission draft of JMNP2 significant further work has been done to proposed site allocations at Melksham and Whitley, in response to feedback, and as set out below, to changed circumstances. The Consultation Statement sets out how the community has been engaged both informally and formally during the sites allocation process.

JMNP2 Housing Allocations

Whilst the Wiltshire Council housing requirement in the WLP for the JMNP2 area is a draft until adoption of the Local Plan, JMNP2 Steering Group and Qualifying Bodies resolved to plan positively and progress towards allocating land to meet the requirement of c270 dwellings.

In addition, JMNP2 sites allocation approach has responded positively to new circumstances, on which more detail is set out below.

The site allocations approach adheres to requirements in the NPPF and national guidance towards achieving Sustainable Development with allocations based upon consideration of alternatives, engagement, sites assessment, deliverability evidence and infrastructure requirements.

The approach to sites allocation has been screened and assessed through independent Strategic Environmental Assessment and Habitats Regulation processes, which included

consideration of the relative sustainability and impacts of alternative approaches to distribution of site allocations.

All promoted sites have been selected through the robust five stage identification and assessment process, including the identification of alternative site options, independent site sustainability and suitability assessment and community, Wiltshire Council, stakeholder and owner engagement.

Consideration has been given to and responses made to national, adopted and emerging strategic policy and made and emerging JMNP objectives and policies.

Addressing New Circumstances

New circumstances also affected the availability of sites for allocation by JMNP2.

The draft WLP proposes allocation sites: Site 3692; Land north of Bath Road and Site 3478; Land North of A3102 and sites 3678 with 3701 that combine to assemble part of draft allocation Policy 18, Land East of Melksham.

These are potentially suitable sites which are now excluded from JMNP2 options, removing capacity for c 400-500 dwellings.

In addition, an appeal decision at Western Way granted **outline consent** for development of c210 dwellings and a 70-bed care-home on SHELAA site 1025, Land South of Western Way, Bowerhill. The site was assessed as unsuitable at Stage 1 due to its landscape role of openness and separation of settlements. Whilst full planning resolves all matters relating to the site development, **outline consent** (with all matters other than amount and access reserved) leaves significant matters to be resolved. JMNP2 therefore proposes to include the site as potentially suitable for allocation.

Community and Stakeholder Engagement

Feedback obtained from early evidence gathering and informal community, stakeholder and owner engagement during the drafting of JMNP2 has influenced the allocations approach and informed the content of allocations. This included specific community engagement relating to the development of the Town Centre Master Plan Report which addressed a potential approach to be taken for Cooper Tires and the Former Library. This engagement pointed to a clear desire to see Melksham Town Centre supported by the plan including its promotion of regeneration of both the former Library and Cooper Tires sites. This is recorded in the accompanying Consultation Statement to the JMNP2⁷.

Two stages of Regulation 14 formal consultation have also been conducted prior to submission draft of the JMNP2 (this has taken place in the autumn / winter of 2023 and Spring/Summer 2024).

⁷ <https://www.melkshamneighbourhoodplan.org/np2-evidence-base>

Significant updates were made to the pre-submission draft of JMNP2 that was consulted upon in 2023. Therefore, a second pre-submission Regulation 14 consultation on draft B of the JMNP2 in June 2024, with revisions or updates to allocations of land for housing made under Policy 7, and Policy 19 - Green Wedges was held.

Effectiveness and Deliverability: Stakeholder, Landowner Consultation & Viability Assessment

Formal consultation at Reg14A and Reg14B has been undertaken with statutory consultees and Wiltshire Council which has informed and influenced the process and proposed scope of allocations, in particular in the context of a sequential approach to addressing flood risk and the Cooper Tires site.

Submission JMNP2 proposed allocations have been amended in response to representations made by site promoters, including in response to constructive criticism made in representations from parties promoting alternative sites.

Informal and formal consultation has been undertaken with promoters of all sites, including direct dialogue with promoters of proposed sites, to secure confirmation and evidence of intentions to deliver development in accordance with draft allocation parameters.

In accordance with NPPF Paragraph 35, proposed allocations enabling the regeneration of brownfield land at Cooper Tires and the former library site, have been subject to independent expert viability assessment which has influenced the site allocation parameters (Bailey Venning 2024). This assessment identified the significant challenge of securing viable development at Cooper Tires. This assessment should be considered alongside Regulation 14B representations made on behalf of the site's prospective new owners that demonstrates the intent to bring the site forward, including through addressing flood risk beyond Flood Zone 1.

The allocation of the Former Library Site (7.2) has adopted a more flexible approach to provision of affordable dwellings and the scope of specialist accommodation for older people in response to viability assessment. However, this should also be considered alongside evidence of Wiltshire Council's progression of the site's development for 100% affordable dwellings.

The proposed small-scale allocation of land at Whitley Farm, Whitley has also been assessed to provide confidence that conservation constraints and benefits required by the site and allocation can be addressed. These are discussed in greater detail below.

6. Addressing Flood Risk (Cooper Tires)

In response to its closure in 2023 and the community's wishes, and in the absence of site specific policy within the emerging Wiltshire Local Plan, JMNP2 aims to support and guide the regeneration and re-use of the former Cooper Tires factory site through an enabling allocation.

It is fully recognised that the allocation of a c13 hectare brownfield former factory within the neighbourhood plan is bold, which is a reflection of the positive ambition of JMNP2. The challenge of supporting the future regeneration of the site is amplified by the flood risk classifications that have been attributed to the site by the Environment Agency which has made representation to JMNP Reg14 process. In order to address this proportionately and robustly at the site allocation stage, JMNP2 has undertaken a sequential approach to allocation, conducted site analysis and referenced local precedents through engagement with the site owners and Wiltshire Council.

National Planning Policy Framework / Guidance (NPPF/NPPG)

National Planning Policy Guidance (NPPG) (Flood risk and coastal change⁸) sets out that the aim of the Sequential Test is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, account should be taken of the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 and 2, should the suitability of sites in Flood Zone 3 be considered. The NPPG also advises that a pragmatic approach should be taken to the consideration of alternative sites.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) (paragraph 165).

Paragraph 167 states that *"all plans should apply a sequential, risk-based approach to the location of development– taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- a) applying the sequential test and then, if necessary, the exception test as set out below;*
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible*

⁸ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

of natural flood management techniques as part of an integrated approach to flood risk management); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.”

Paragraph 168 of the NPPF highlights that *“the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*

Land Use Vulnerability and Flood Zone

Table 2 in the Flood risk and coastal change NPPG, classifies different land uses according to their vulnerability to flood risk (Ref ID 7-066-20140306), and Table 3 indicates which land uses it is appropriate to allocate in Flood Zones 2, 3a and 3b, and which categories should not be allocated in those zones, based on their vulnerability classification. For some categories of development Table 3 also prescribes that, before they are allocated in Flood Zone 2 or 3, the second element of the method – the exception test – need not be applied in this circumstance.

Residential use is More Vulnerable. Employment, commercial and leisure uses are Less Vulnerable. Open space and flood mitigation measures are Water Compatible

PPS 25 (Table D3) identifies the compatibility of uses within levels of vulnerability with the EA Flood Risk zones, 1, 2, 3A and 3B. It also identifies when sequential testing and Exceptions Testing is a requirement in plan making.

Table 3: Flood risk vulnerability and flood zone ‘compatibility’

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	x	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	x	x	x

NPPG Flood Risk and NDPs

The Flood risk and coastal change NPPG addresses the matter of how a neighbourhood plan can tackle this complex subject:

“How can neighbourhood planning take account of flood risk?”

The overall approach in [paragraph 161 of the National Planning Policy Framework](#) applies to [neighbourhood planning](#).

Where they make provision for development, the qualifying bodies involved in neighbourhood planning will need to:

- ensure that neighbourhood plans (and any neighbourhood development/community right to build orders) are informed by suitable assessment of flood risk from all sources, both now and in the future;
- steer development to areas of lower flood risk as far as possible;
- ensure that any development in an area at risk of flooding would be safe, for its lifetime taking account of climate change impacts;
- be able to demonstrate how flood risk to and from the plan area/ development site(s) will be managed, so that flood risk will not be increased overall, and

that [opportunities to reduce flood risk](#), for example, through the use of sustainable drainage systems where appropriate, are included in the plan/order.

Local planning authorities will need to have these aims in mind in providing advice or assistance to qualifying bodies involved in neighbourhood planning. Refer to:

- [What to consider if there is a risk of flooding in the neighbourhood plan area?](#)
- [What to consider if bringing forward a Neighbourhood Development Order/Community Right to Build Order in an area at risk of flooding?](#)

What advice and information on flood risk is available for neighbourhood planning?

Locality, in conjunction with the Environment Agency and other statutory agencies, have created a toolkit which provides advice on [how to consider the environment when producing neighbourhood plans](#). Anyone preparing a neighbourhood plan or order may also find it helpful to [consult the lead local flood authority](#) for the area.

[Strategic Flood Risk Assessments](#) are the primary source of flood risk information in considering which areas covered by a neighbourhood plan may be appropriate for development. If, however, the strategic flood risk assessment is out-of-date or lacks an appropriate detail in this area, it may be necessary for neighbourhood planning bodies to undertake additional work to assess the risk of flooding to development being promoted in a neighbourhood plan or order. Other important sources include the Environment Agency's [Flood Map for Planning](#). Local planning authorities can make available to qualifying bodies any reports or information relating to the Strategic Flood Risk Assessment, and share any other information relevant to flood risk (such as the application of the [Sequential](#) and [Exception Tests](#) to the Local Plan).

What needs to be considered if there is a risk of flooding in the neighbourhood area?

Where the Strategic Flood Risk Assessment, or other available flood risk maps or information, indicates that part or parts of a neighbourhood plan area may be at risk of flooding, the qualifying body should have regard to the National Planning Policy Framework's policies on flood risk. Where they are considering proposing development, they will need to show that this would be consistent with the local planning authority's application of the [Sequential Test](#) and if necessary, the [Exception Test](#) for the plan. If not, these tests will need to be re-visited on a local authority-wide basis.

Where areas under consideration for development are inconsistent with the spatial strategy set out in the relevant plan, it is likely that the qualifying body will need to provide further

information to demonstrate that any development proposed by the neighbourhood plan passes the Sequential Test, and if necessary, the Exception Test.”⁹

Wiltshire Core Strategy

Wiltshire Core Strategy requires the sequential approach to development sites within flood risk areas. It requires development to be steered to reasonably available sites at lowest risk of flooding. The relevant policies within the Development Plan are considered below:

Core Policy 67 (Flood Risk) states that development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the sequential test in line with the requirements of national policy and established best practice. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Joint Melksham Neighbourhood Plan

JMNP1 and JMNP2 include a policy to address the key local issue of flooding. Policy 3: Flood Risk and Natural Flood Management adds local specific detail to addressing localised flood risk associated with surface water flooding and requiring sustainable drainage measures to address them.

Applying the Sequential Test

JMNP2 sites assessment and selection has had regard to maximising the potential to allocate land outside of flood risk areas.

JMNP2 is primarily required to allocate land for c200 dwellings at Melksham and c70 dwellings at Shaw and Whitley. This is not a ceiling. JMNP2 may allocate more land for housing or other uses where there is a local need. Informed by the SEA report, JMNP2 aims to prioritise a sustainable brownfield first approach to site allocation at Melksham. It proposes to optimise the reuse of previously developed brownfield land that benefits local employment and meets local housing needs.

A Sequential Test approach has therefore been undertaken as part of selecting sites for mixed housing and employment development seeking to balance the flood probability and development vulnerability of sites.

⁹ Flood risk and coastal change NPPG. Paragraphs: 015 / 016 / 17 <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Material Referenced

- EA Flood Maps for Planning
- Wiltshire Strategic Flood Risk Assessment (2019¹⁰)
- Wiltshire Local Flood Risk Management Strategy (2014)
- Cooper Tires Initial Flood Risk Assessment (WSP 2024)

JMNP2 Sequential Test Scope Areas

JMNP2 has two defined areas within which to plan to meet its housing requirement.

- Melksham and Bowerhill c200
- Shaw and Whitley c70

The approach is limited to allocation at Melksham. It is not necessary to be undertaken at Shaw and Whitley where proposed allocation sites can meet housing requirements outside Flood Zone 2 and 3.

The JMNP2 stage 1 and 2 sites assessment (AECOM) sets the sequential test scope area.

This includes land comprising the 26 sites at Melksham (plus consented site 1025).

Emerging JMNP2 Policy Exclusions

Stages 3-5 assessment criteria applied by the JMNP group included the proposed designation of Local Green Spaces and Green Wedges, which excluded conflicting promoted sites and further considered the reasonableness of allocation of the remaining shortlisted potentially suitable sites. In addition, sites proposed for allocation by Wiltshire Council were excluded.

The results of this further sieving identified the available sites that were considered reasonable for allocation.

In assessing reasonable alternative sites for delivery of housing, significant weight is given to allocation at brownfield sites and integration with mixed use and viable regeneration that addresses particular local needs and provides opportunities for diverse economic development and town centre vitality. See Appendix 1.

¹⁰<https://wiltscouncil.maps.arcgis.com/apps/webappviewer/index.html?id=28c00215d87b468a9a0cd79c63d3d270>

Test Method

Stage 1:

Identification and shortlisting of the potentially suitable and available sites within the Melksham JMNP Area, including the capacity, greenfield or brownfield and flood zone designation of each site. This harnesses the AECOM Stage 1 and 2 sites assessment. See AECOM Site Assessment Report (2023)¹¹.

Stage 2:

Review of the planning status and capacity of sites.

Sites initially excluded include:

- Areas within Flood Zones 2 & 3;
- Principle Employment Sites or sites in existing active employment uses;
- Sites designated / or proposed to be designated for alternative uses e.g. Local Green Spaces & Green Wedges
- SHELAA sites taken forward in Local Plan Review
- Sites with other significant constraints e.g. access
- Sites with insufficient capacity to contribute meaningfully to meeting JMNP2 housing requirements and affordable housing
- Sites not suitable for accommodating sustainable housing and employment uses to meet identified unmet need

This references Stage1-5 of the site assessment process. It also has regard to the SEA report on alternative approaches and JMNP and Wiltshire Core Strategy objectives and policies.


Stage 3:

Provided an assessment and conclusion of any appropriate alternative sites within the Melksham Area for the proposed development, reaching a conclusion on whether there are alternative sites in Flood Zone 1 (i.e. sequentially preferable) that are suitable, available and achievable for development to meet the allocation objectives of JMNP2.


¹¹ <https://www.melkshamneighbourhoodplan.org/np2-evidence-base>

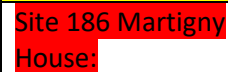


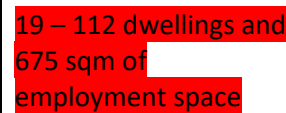
Stage 2 Sequential Assessment of Reasonably Available / Potentially Suitable Promoted Sites

Key

 Assessed as not reasonably available and suitable for allocation

 Allocated by Wiltshire Local Plan. Not Available to JMNP2.

 Assessed as potentially suitable

Sites at Melksham and Bowerhill (Requirement c200 dwellings)	Sites	Availability Reasons
Wiltshire Local Plan Allocations: Excluded	<p>Site 3478 Land North of A3102: 136 – 184 dwellings</p> <p>Site 3678 Land east of Eastern Way, Melksham: 40 dwellings</p> <p>Site 3701 Land east of Eastern Way, Melksham: 40 dwellings</p> <p>Site 3692 Land north of Bath Road: 180 – 240 dwellings</p>	<p>These sites have been proposed for allocation in the Wiltshire Local Plan and are not available to JMNP2.</p>
Brownfield Sites Not Reasonably Available	<p>Site 186 Martigny House: </p> <p> 30 dwellings</p> <p>(subject to confirmation of availability)</p>	<p>Zone 1 Core Strategy Policy 35 and JMNP Policy 10; Existing and active employment site. Small capacity</p>
	<p>Site 264 Upside / Bath Road, Shurnhold: </p> <p> 19 – 112 dwellings and 675 sqm of employment space</p>	<p>Flood Zone 1, 2, 3 Core Strategy Policy 35, Principal Employment Site. Planning application</p>

	<p>Site 313 541 Outmarsh:</p> <p>8 – 20 dwellings</p>	<p>Flood Zone 1</p> <p>Core Strategy Policy 35, Principal Employment Site</p> <p>Small capacity</p> <p>Heritage constraints</p>
	<p>Site 3333 Land to North of River Avon (Area 8):</p> <p>80 dwellings</p>	<p>Flood Zone 2/3.</p> <p>Core Strategy Policy 35, Principal Employment Site</p> <p>Local Heritage Asset</p>
	<p>Site 3334 Land to North of River Avon (Area 9):</p> <p>40 – 60 dwellings</p>	<p>Flood Zone 3</p> <p>Safeguarded for Principal Employment Land Growth</p> <p>Open Space (JMNP2 Policy 14)</p>
	<p>MEL02 Site 1 – Blue Pool at Melksham House, Market Place:</p> <p>10 – 20 dwellings</p>	<p>Flood Zone 1</p> <p>Adjacent to Assembly Rooms Leisure use – residential amenity</p> <p>Potential for ongoing community use</p> <p>Small capacity</p>
	<p>MEL04 Site 3 – Former Christie Miller Sports Centre and golf course:</p> <p>Employment</p>	<p>Flood Zone 1</p> <p>Core Strategy Policy 34 New Employment land. Potential for employment site expansion of PEA.</p> <p>Not suitable / available for housing.</p>
	<p>MEL05 Former Christie Miller Car Park:</p> <p>Employment</p>	<p>Flood Zone 1</p> <p>Employment site</p> <p>Not suitable / available for housing</p>
	<p>MEL12 The Unicorn Pub, Melksham:</p> <p>2 – 4 dwellings</p>	<p>Flood Zone 1</p> <p>Listed building</p> <p>Potential for viable future community use</p> <p>Small capacity</p>
	<p>TC1 Vacant Lloyds Bank Building:</p> <p>10 dwellings</p>	<p>Flood Zone 1</p> <p>Full planning consent</p> <p>Small capacity</p>

	TC3 Vacant NatWest, 34 High Street: 5 dwellings	Flood Zone 1 Availability not confirmed Main Town centre shopping area location Small capacity
	TC5 Vacant Marjo Fashion, 8-12 Lowbourne: 5 dwellings alongside adjacent plots (subject to confirmation of availability)	Flood Zone 1 Full planning consent Listed building Small capacity
	TC7 Vacant Co-op Funeral Care, Church Street: 4 dwellings (subject to confirmation of availability)	Flood Zone 1 Small capacity
	Site 3738 Verbena Court, Eastern Way: 9 Dwellings	Flood Zone 1 Identified for Community Facilities Use Small capacity
	Site 187 Nortree Motors Ltd: 17 – 26 dwellings	Flood Zone 1 Core Strategy Policy 35 and JMNP Policy 10; Existing active employment site (petrol station and takeaway) Small capacity
Brownfield Potentially Reasonably Available	MEL03 & TC4 Site 2 – Library, Lowbourne House, Further Education Centre and Vacant Chinese Restaurant, Lowbourne: 50 dwellings	Flood Zone 1 Unused/surplus community facility (JMNP2 Policy 15) Temp employment use (JMNP2 policy 10) Town centre location (JMNP2 Policy 9) Promoted for allocation of c50 extra care dwellings
	Cooper Tires Factory: c100 dwellings (FZ1 only)	Flood Zones 1/2/3 (See AKU Capacity Report) Vacant brownfield land (12.8 hectares) Site remediation & flood mitigation costs

		<p>Community priority for mixed use regeneration</p> <p>Edge of town centre location</p> <p>Capacities</p> <ul style="list-style-type: none"> ○ Flood Zone 1 (capacity 90 -120 dwellings) ○ <i>Flood Zone 2 (potential capacity for c100-120 dwellings)</i> ○ <i>C8.8 hectares in Flood Zone 3 (potential employment/leisure/retail/open space/flood mitigation)</i>
Greenfield Sites Not Reasonably Available	<p>Site 1000 Land rear of Lowbourne Infants School:</p> <p>50 – 112 dwellings</p>	<p>Zone 1</p> <p>Heritage – Former W&B Canal route</p> <p>Proposed LGS designation (JMNP2 Policy 16 with very large level of support 900 reps)</p>
	<p>Site 1005 Land South of Bowerhill Sports Field:</p>	<p>Flood Zone 1</p> <p>Core Strategy Policy 34; Strategic</p> <p>Employment site expansion potential</p>
	<p>Site 1006 Land South of Falcon Way, Bowerhill:</p> <p>800 dwellings</p>	<p>Zone 1</p> <p>Core Strategy Policy 34; Principal</p> <p>Employment Land expansion potential</p>
	<p>Site 3107 North West of Woodrow Road:</p> <p>77 dwellings.</p>	<p>Flood Zone 1</p> <p>Access, landscape and connectivity constraints</p> <p>Capacity reduced by power lines</p> <p>Refused consent for residential</p>
Greenfield Land Potentially Reasonably Available	<p>Site 3525 Land at Snarlton Lane:</p> <p>450 – 889 dwellings.</p>	<p>Flood Zone 1/2/3 (Flood Zone 1 land +80% of site.)</p> <p>Visual impact on open countryside</p> <p>Potentially capable of partial allocation (sub-optimal efficient use of land)</p> <p>Adjacent to WLP Site allocation Land East of Melksham; Policy 18)</p> <p>Potentially within WLP Broad Location for (future) Growth</p>

		<p>Not sequentially sustainable location of employment (office) or retail</p> <p>No direct linked benefit to town centre vitality</p>
<p>Greenfield Sites</p> <p>New Circumstances</p>	<p>Site 1025; Land South of Western Way</p> <p>c210/248* dwellings</p> <p>*Outline consent for 210 dwellings and 70 bed care home granted on appeal Nov 2023. Care home accounts for 38 dwellings using Wiltshire Council criteria.</p>	<p>Previously rejected at Stage 1 site assessment.</p> <p>Appeal decision Nov 2023 establishes outline permission and therefore the principle for acceptable development.</p> <p>Flood Zone 1</p> <p>Harm; coalescence of settlements (Green Wedge JMNP Policy 19 unachievable as result of appeal decision)</p> <p>Site assessed (by Wiltshire Council Sustainability Assessment) as one of most sustainable greenfield option</p> <p>Not available for employment allocation</p>
	<p>Site 728 Land to the North of Berryfield:</p> <p>53 dwellings</p>	<p>Flood Zone 1</p> <p>Site within proposed green wedge JMNP2 Policy 19 (Partially unachievable as result of allowed appeal)</p> <p>Outline planning permission (granted on appeal Oct 2024)</p>

Sequential Assessment of Reasonably Available Sites Conclusion

Melksham and Bowerhill

Priority 1

Suitable Brownfield total residential capacity in Flood Zone 1 = c150*

These are the most sustainable locations for meeting c75% of JMNP2 housing requirement at Melksham.

Includes;

Cooper Tires Flood Zone 1 Only c100 dwellings.

Former Library Flood Zone 1 c50 specialist dwellings for older people at the former library site.

Priority 2

Reasonably Available Greenfield residential capacity in Flood Zone 1 = c700 -1040**

Land at Snarlton Farm (Site 3525). The site has capacity for between c450 and c889 dwellings. The site was considered a more sustainable greenfield option by Wiltshire Council's SA. However, it is less favourable, with poorer connections to facilities and with some flood risk constraints. It is also of a size and within an area likely to be considered for future strategic Broad Location for Growth, later in the Wiltshire Local Plan period.

Allocation of a small portion of the site by JMNP2 risks prejudicing its optimum efficient use of land at this time. The whole site should be subject to an overall development framework.

Land south of Western Way; The allowed appeal on Land South of Western Way (Site 1025) has established the principle of residential development of the site and removed the ability of JMNP2 to designate it as a Green Wedge. It has capacity for about 210 dwellings with a 70 bed care home. The care home accounts for a further 38 dwellings when Wiltshire Council's formula is applied. The site therefore yields c248 dwellings.

Having regard to these new circumstances and Wiltshire Council's Sustainability Appraisal of the site the sequential sites selection process identifies the site as the next most sustainable to support delivery of housing. The justification and precedents for allocation of the site with outline consent, are set out in the following section.

At the time of all site assessment and selection, up to Steering Group resolution on 25 Sept 2024, no consent existed for the development of Land North of Berryfield. The site was assessed as unsuitable. The site was part of a proposed Green Wedge (Policy 19) to prevent coalescence between the small village of Berryfield and Melksham and Bowerhill. It does

not impact on the entire proposed Green Wedge. Nonetheless the new circumstances do remove the ability of JMNP2 to designate the whole proposed Green Wedge area.

The granting of outline consent on appeal (30th Sept 2024) establishes that the site is suitable for specifically 100% affordable housing development within the context of existing needs within Wiltshire. It does not establish its suitability for general mixed housing development.

Residential Capacity within Flood Zone 1

In considering land made reasonably available for housing development, including unallocated SHELAA sites and sites granted planning consent on appeal in 2023 and 2024, there is capacity to meet c150 of the JMNP2 requirement for housing of c200 on priority 1 brownfield land in Flood Zone 1. The sequential assessment of reasonably available sites has demonstrated that JMNP2 can allocate to meet the remainder of the requirement on flood zone 1 greenfield land and therefore is not justified and does not need to propose allocation of land for housing development (at Cooper Tires) on flood zone 2 land at this point.

Residential and Employment Land Capacity

JMNP2 is seeking to also promote and enable viable economic regeneration of the Cooper Tires site through a mixed-use allocation. Housing development on the site is acceptable in principle and contributes towards achievement of a viable regeneration. NB Viability assessment 2024 indicates that residential development may not be the only approach required.

The Wiltshire Employment Land Review Update identifies an unmet need for c 3 hectares of office space. This is most sustainably located within or adjacent to the town centre.

Allocations of housing to meet JMNP2 requirements on greenfield sites will not enable this in a sequentially sustainable approach and addressing town centre policy and master plan objectives.

When JMNP2 brownfield first and mixed-use allocation strategy is taken into account the Cooper Tires site capacity for mixed use regeneration has been assessed (AKU Associates).

7. Addressing Site Allocations

Stage 4

JMNP2 Allocation Strategy

There is no requirement for neighbourhood plans to allocate development sites. Neighbourhood plans are also empowered to allocate more land than stated requirements where this will deliver development to meet local needs and priorities.

JMNP2 has adopted a positive and evidence led approach to site allocations which responds to and plans ahead in light of community wishes and distinct local circumstances and driven by securing the best development outcomes for the community. This combines enabling the appropriate and balanced regeneration of brownfield land for homes and employment, together with ensuring the most sustainable available greenfield site delivers housing that meets local needs to a high standard of connectivity, design and construction. In doing so it is informed by, but not restricted to, meeting the identified housing requirement of c200 dwellings.

At Melksham JMNP2 has prioritised promoting the regeneration of brownfield land and providing opportunity for ongoing regeneration of Cooper Tires, potentially beyond the plan period of 2038. It enables the regeneration of the former library site to deliver much needed specialist accommodation for Melksham's older people. It has also responded positively and with pragmatism to regularise and seek to manage the qualities of development granted outline consent at Land South of Western Way.

Melksham site allocations have had regard to:

- National policy in relation to town centres, brownfield land, housing mix and addressing flood risk
- The priority of promoting the right mixed-use regeneration of Cooper Tires
- Providing affordable and extra care housing to meet assessed needs
- The priorities of the Town Centre Master Plan Report and emerging Local Plan Melksham Place Shaping Priority 1
- Community and stakeholder feedback
- Evidence of delivery

JMNP2 is justified in giving significant weight to securing a vibrant town centre and the re-use of the available and vacant brownfield sites at Cooper Tires and the former Library.

Together, the allocation of Cooper Tires and Library sites, provides the capacity to meet 75% of housing requirements, local housing needs and enables regeneration within a "brownfield sites first" approach to allocations and strengthens the vitality and sustainability of the town centre in accordance with JMNP2 Policy 9.

Allocations seek to maximise their contributions to securing delivery of social, economic and environmental objectives, in particular:

- Providing opportunities to meet local housing needs
- Protecting and enhancing the vitality of Melksham town centre.
- The retention, regeneration and intensified use of previously developed employment land.
- Regularising and managing the impacts of new development circumstances

With regard to identified further need for 3 hectares of employment land to supplement the 5 hectares allocated by Wiltshire Council's Local Plan, and the urgent need to enable viable regeneration of the vacant Cooper Tires site to optimise renewed employment and economic vitality, JMNP2 is proposing allocation that provides the flexibility to enable a variety of employment uses in Classes E, B2 and B8. It aims to prioritise sites that complement existing and allocated employment sites that contribute to meeting prioritised objectives.

JMNP2 is required to demonstrate proposed allocations are deliverable and viable. It has been supported by viability assessment of suitable brownfield sites that has informed the allocation land use mix and balance. At Cooper Tires this is informed by site analysis and risk assessment and conceptual capacity study (AKU Associates¹²).

This Study has established the need to link residential with non-residential development at Cooper Tires to support viable delivery of regeneration. It has also established the capacities and location where residential development may be located within the potentially phased delivery of comprehensive regeneration (see Cooper Tires Allocation below).

¹² <https://www.melkshamneighbourhoodplan.org/np2-evidence-base>

In response to the changed circumstances presented by the granting of outline consent at appeal for development of 210 dwellings and care home at Site 1025, South of Western Way, JMNP2 also gives significant weight to safeguarding the future planning of this site in relation to important and unresolved detailed matters including the relationship with existing and planned new neighbouring uses, housing types and tenure mix, connectivity and design.

At Shaw and Whitley JMNP2 prioritises;

- The protection of the distinctness and separation between the villages, and between the villages and Melksham
- Enabling the delivery of smaller, accessible and affordable homes to address long-term shortfalls in supply and changing community needs.
- Enabling the conservation of the listed fabric and setting of Whitley Farm
- Making the most efficient use of reasonably available greenfield land

Site assessment has followed the process set out above. The justification and approach to JMNP2's two proposed allocations are set out below.

The plan also seeks to step towards meeting Local Plan housing requirements, but in doing so deliver affordable and accessible housing and conservation gains that respond to long term local issues and identified future priorities. Regard has been given to feedback received during the 2023 Regulation 14 pre-submission consultation and further engagement with the owners of sites proposed for allocation to secure significantly revised proposed allocation to minimise landscape impacts at Middle Farm and refined proposals to secure appropriate development at Whitley Farm.

7.1 Land at Cooper Tires

Land at the Cooper Tires factory site comprises the c12.8 hectare main factory site, with boundaries to the River Avon, Bath Road, Scotland Road and A350. The allocation includes the small “Bakers Yard” car park site to the west side of Bath Road.

The site is entirely vacant. All manufacturing stopped in December 2023. It is estimated by Wiltshire Council that c350 jobs were impacted.

The site is subject to marketing.

Representations received from the owner’s agent to Regulation 14B consultation have been made on behalf of the prospective purchaser. These state;

“...The prospective purchaser broadly concurs with the vision for the Site set out in the draft Neighbourhood Plan of a mixed, housing led scheme, reflecting the heritage assets on the site and its attractive, riverside location. The prospective purchaser would also expect to bring the site forward within a flexible masterplan framework.”

‘...The prospective purchaser currently envisages submitting a hybrid application for the Site (i.e. outline, with detail for the heritage and some other elements) within the context of a masterplan framework and illustrative masterplan prepared in consultation with stakeholders and in the light of public consultation. A pre-application submission will be made to Wiltshire Council and they would hope that the Town Council would be open to direct engagement in the development of the masterplanning strategy. This approach will establish the mix and capacity of the site and development costs and viability as well as the approach to access, flood management, green infrastructure and biodiversity. It will also establish the key design principles.

“The subsequent hybrid planning approval will then enable the prospective purchaser to invest in the reclamation and preparation of the Site, before bringing it to market when detailed proposals can come forward, alongside the delivery of those heritage and other elements approved in detail.”

Availability: A c2.3 hectare section of the site adjacent to the river (site 3333) was made available by the owners through the Wiltshire Local Plan SHELAA and subsequently made the whole 12.9 hectare site available for assessment and potential allocation within the JMNP (2020-38).

Evidence Base: The evidence base is comprehensive and from a range of sources, as detailed below.

Stage 2 Site Assessment (AECOM): The site has been made partially and wholly available. There are as a result two assessments:

Site 3333

“The site is potentially suitable for allocation for residential or mixed-use development.

The site is previously developed land currently in employment use within the settlement boundary of Melksham. It forms part of the wider operations at Cooper Tires. The site in its current use detracts from the quality of the townscape. Redevelopment of the site provides significant opportunities for enhancing the quality of the public realm at this accessible location, helping to deliver high quality housing and employment provision. The site also offers significant opportunities for further enhancing and opening up the riverside area of this part of Melksham, linking with key existing and proposed green and blue infrastructure networks.

The site is wholly in Flood Zone 3. Change of use of land or buildings are not normally subject to the sequential or exception tests, nevertheless changing from industrial use to residential use will increase the vulnerability classification from 'less' to 'more' vulnerable.

Redevelopment of the site should seek to improve the flood resilience of existing development through sensitive design, such as by limiting more vulnerable uses to upper floors. Other key constraints identified relate to ecology, potential land contamination and potential impacts on designated heritage assets.

The site is currently in employment use. Redevelopment of the site or its buildings must demonstrate that they meet the criteria stated in Core Policy 35 of the adopted Wiltshire Core Strategy with regards to the loss of employment land in Market Towns including Melksham.

Partial residential development of the Cooper Tires site may not be compatible with its existing industrial operations. Appropriate mitigation may be required if Site 3333 is proposed for residential development on its own.

Cooper Tires (Whole Site)

The site is potentially suitable for allocation for residential or mixed-use development.

The site is previously developed land in employment use in Melksham. It was announced in October 2022 that the facility would close at the end of December 2023. The site in its current use detracts from the quality of the townscape. Redevelopment of the site provides significant opportunities for enhancing the quality of the public realm at this accessible location; helping to deliver high quality housing and employment provision. The site also offers significant opportunities for further enhancing and opening up the riverside area of this part of Melksham, linking with key existing and proposed green and blue infrastructure networks. The site is in a highly accessible location in close proximity to Melksham Railway Station and Melksham Town Centre. The regeneration of brownfield sites in Melksham is supported by Core Policy 36 of the adopted Wiltshire Core Strategy.

The site is predominantly in Flood Zone 2 and 3. Change of use of land or buildings are not normally subject to the sequential or exception tests, nevertheless changing from industrial use to residential use will increase the vulnerability classification from 'less' to 'more' vulnerable.

Redevelopment of the site should seek to improve the flood resilience of existing development through sensitive design, such as by limiting more vulnerable uses to upper floors.

The site consists of Grade II listed C19 large house and its associated structures, and is close to a number of listed public houses. Further heritage assessment would be required.

The site is currently in employment use. Redevelopment of the site or its buildings must demonstrate that they meet the criteria stated in Core Policy 35 of the adopted Wiltshire Core Strategy with regards to the loss of employment land in Market Towns including Melksham.

The possibility of land contamination should be investigated and appropriately remediated in accordance with Core Policy 56 of the adopted Wiltshire Core Strategy.

Stage 3-5 Assessment

Stage 3 dialogue with Wiltshire Council and responses to the 2023 Regulation 14 pre-submission consultation did not object to its proposed allocation. However, attention was drawn to the site's constraints and potential impact on delivery of development.

Stage 4 consideration by Steering Group had regard to further technical evidence provided by the site promoter, capacity, land-use mix and distribution analysis undertaken for JMNP2 and 2023 Regulation 14 pre-submission consultation representation made by the landowner.

Stage 5 dialogue with the landowner's agent re-confirmed the site's availability, updated on its future sale and informally agreed a reasonable and deliverable ambient density of c50-60DPH upon which to calculate residential capacity.

Cooper Tires Allocation Evidence Base Schedule *(Provided by Cushman Wakefield on Behalf of Goodyear/Cooper Tires)*

- Cooper Tires and Rubber Company Heritage Asset Survey. Donald Insall Associates, 2020
- Cooper Tires Preliminary Flood Risk Assessment. WSP 2025
- Utilities Report. Hydrock 2020
- Transport Report. Hydrock 2020
- Land Remediation Report. Hydrock 2020
- Ecological Report. Tyler Grange 2020
- Land Remediation Costs Report. Cushman Wakefield 2020
- Illustrative Masterplan. Chapman Taylor 2020
- Owner representations to Reg14A and Reg14B consultations.

Wiltshire Council

- Level 1 Strategic Flood Risk Assessment (SFRA). JBA Consulting 2019
- Wiltshire Employment Land Review (Update) 2023
- Sustainability Assessment (Melksham Sites Assessment) 2023
- WLP Melksham Market Town Strategy (2023)
- WLP Trowbridge Market Town Strategy (2023)
- PL/2021/08064. Land at Innox Mills. Trowbridge.

Hybrid (full and outline) planning application descriptions (i) & (ii)

(i) Outline planning application: the erection of up to 243 dwellings, erection of a convenience store (Class E), erection of up to 872 sqm of new commercial floor space (Class E); and associated access, public realm; and landscaping works.

Commissioned or Undertaken by JMNP2

- Town Centre Master Plan Report of Stakeholder and Community Engagement 8 February and 19th March 2023
- Sites Assessment (Stage 1 and 2). AECOM 2022
- Concept development specifications AKU Ltd 2024
- Sites Viability Assessment and Addendum (additional scenarios) and Appendices. Bailey Venning 2024
- Sequential sites test for allocation. Flood Risk
- Illustrative Wiltshire Council Methodology, Sustainability Appraisal of Cooper Tires
- Pre-submission Regulation 14 Consultation (Oct – Dec 2023)

Objective: The objective of the allocation is to enable and guide the regeneration of the historic and vacant site. Housing is an important component in achieving a viable mix of future development that will contribute to meeting local housing needs. But the primary aim is to create a new sustainable exemplar development that supports the delivery of mixed-use regeneration to bring new life and diverse employment opportunities to the site as well as support the vitality and offer of Melksham Town Centre.

It is accepted this will most likely be over a period longer than the JMNP2 period and may not begin until later in its life (post c2030). To provide confidence that development of the site is likely to deliver initial phases of mixed-use development, including housing, the allocation is underpinned by significant analysis and viability and delivery evidence

Key JMNP2 Objectives

- Planning for new development that addresses the impact of climate change.
- Enabling and promoting the importance of early community engagement in change and development.
- Supporting sustainable development of new housing and associated facilities within settlements, and adjacent to settlements.
- Protecting and enhancing the vitality of Melksham town centre.
- The retention, regeneration and intensified use of previously developed employment land.
- Supporting improved transport infrastructure for the increasing Neighbourhood Plan Area population.
- Encouraging cycling and walking and journeys by rail and bus to reduce the need to travel by car.
- Promoting opportunities for people to lead healthier lifestyles with a greater sense of well-being.
- Ensuring that new development is sympathetic to our built heritage and the character of the area, with high standards of design.

Policy Context

Flood Risk: (see above)

Wiltshire Core Strategy: The Core Strategy policy 35 (**Employment Sites**) seeks to protect Wiltshire's most sustainable and valued employment areas. Cooper Tires is not identified as a Principal Employment Area. The emerging Local Plan does not either. However, it seeks to retain existing employment uses outside the Principal Employment Areas to maintain diversity and choice of sites for employers and allow for local business expansion. However, it recognises some older employment areas may no longer be fit for purpose and it may be appropriate to allow for the redevelopment (in whole or part) of existing employment sites for an alternative use, particularly where the site is not required to remain in its current use to support the local economy in the area.

Cooper Tires is vacant. The buildings are specifically formed for the former use, and are redundant. Cooper Tires production has left the UK and relocated to mainland Europe.

The 2017 Employment Workspace Review (Wiltshire Council) assessed the site as being in the bottom 20% of sites against a scoresheet of qualitative criteria. It recommended:

"Site could be redeveloped providing alternative site can be locally sourced for Cooper Tires. Site could be redeveloped as part of the Melksham Link Canal project. However, at the time this did not include residential use."

The study also notes the significant environmental and remediation constraints associated with the site.

Core Strategy Policy 36 supports regeneration opportunities and aims to support and maximise the re-use and provision of economic development on previously developed land including in Market Towns. The Core Strategy policy supports the development of community-led neighbourhood plans to facilitate economic regeneration and the preparation of master plans for specific sites.

Core Policy 36 (Economic Regeneration) sets out that regeneration of brownfield sites will be supported in the Principal Settlements, Market Towns and Local Service Centres where the proposed uses help to deliver the overall strategy for that settlement, as identified in Core Policy 1 (Settlement Strategy) and in any future community-led plans, including neighbourhood plans, and/or enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre.

Draft Wiltshire Local Plan: The draft Wiltshire Local Plan Policy 65 continues to protect all employment land and applies development management criteria to establish if a site is no longer suited to current or future business needs and reuse of the site for alternative uses is the only means to deliver wider significant economic, environmental and social benefits to a settlement, outweighing the loss of employment land.

Planning for Melksham (2023) identifies a potential future need for c8 hectares of employment land to 2038. It allocates 5 hectares and retains all existing Principal Employment Land including at Avonside, Upside and Bowerhill. Existing and emerging policies, including in JMNP2, all seek to enable further employment development at the edge of the Bowerhill area to meet business growth needs.

Wiltshire Local Plan does not propose allocation of the Cooper Tires site.

JMNP2 Key Policies

- Policy 1: Sustainable Design and Construction
- Policy 3: Flood Risk and Natural Flood Management
- Policy 4: Ultra Low Emission Vehicle Charging
- Policy 6: Housing in Defined Settlements
- Policy 7.1: Land at Cooper Tires
- Policy 8: Infrastructure Phasing and Priorities
- Policy 9: Town Centre
- Policy 10: Employment Sites
- Policy 11: Sustainable Transport and Active Travel
- Policy 12: Green and Blue Infrastructure
- Policy 13: Biodiversity
- Policy 14: Open Spaces
- Policy 17: Trees and Hedgerows
- Policy 20: Locally Distinctive, High Quality Design
- Policy 21: Local Heritage

Justification

Regeneration of Brownfield Land: Cooper Tires is vacant brownfield land in a very sustainable location. Regeneration of the site can help deliver the objectives of JMNP2 and the adopted Wiltshire Development Plan.

The site is assessed as poor quality for renewed employment use and has significant constraints. Viability assessment undertaken by JMNP2 in relation to mixed use development concepts has demonstrated the need for residential development to enable viable delivery of renewed non-residential commercial, leisure, retail and other employment uses (see evidence base reports).

Conservation and Re-use of Heritage Assets: The site has been the focus of industry since the 18th Century and has been producing rubber and tyres since c1890. Avon Rubber and then Cooper Tires grew to become one of Melksham's most important employers and a landmark for the town. Production at the plant decreased during the 21st century and fully ceased at the end of 2023.

Designated Heritage Assets (Wiltshire Core Strategy Conservation and Historic Environment Policy 58)

- Avon House (listed Grade II)
- Unicorn Public House (Grade II) adjacent
- Town Bridge (grade 2) adjacent

Proposed Non-Designated Heritage Assets (JMNP2 Policy 21)

- The former art deco canteen building
- Avonside chimney adjacent

Other potential features of heritage value worthy of retention.

- Buildings 94 and 95 – part of the Victorian corn mill complex;
- Rear of building 2, the only remaining part of the Victorian cloth mill complex;
- Victorian stone arch plinths relating to the corn mill
- Building 7 – a 1920s concrete-framed building
- Building 131 – 13 Beanacre Road, an Edwardian semi-detached house

It is unlikely that other buildings on the site would be considered non-designated heritage assets.

Meeting Housing Requirements: Cooper Tires site allocation contributes positively towards meeting the JMNP2 housing requirement for Melksham in a highly sustainable location.

Site capacity assessment (AKU 2024) has advised the site is capable of enabling the delivery of c100 dwellings within the plan period on land in Flood Zone 1. Further residential development on land in Flood Zone 2 could be achieved subject to meeting EA / Wiltshire Council assessments and providing mitigations identified in the site-specific flood risk assessment (WSP 2024).

Viability assessment has advised that, similar to the local case study at Innox Mills, Trowbridge, affordable housing requirements should be potentially reduced to 10% of the total housing delivered to support the viable delivery. This will secure c10-20 affordable homes.

On balance JMNP2 considers significant weight should be given to the priority of securing regeneration of the site to include mixed commercial uses with a range of town centre edge homes that will be likely to contribute to the vitality of the town centre.

Economy: The allocation seeks to maximise the viable regeneration of employment on the site with regard to JMNP2 Policy 10, Core Strategy Policy 35 and 36 and contributing to meeting employment land needs identified in the Wiltshire Employment Land Review.

Capacity analysis has assessed the potential for a range of new commercial and employment uses within the c8 hectares of Flood Zone 3 land of the main factory site. These uses are

considered less vulnerable and compatible with this zone (NPPF Technical Guidance 2012 and Wiltshire SFRA). Account has also been given to re-use and protect the setting of Avon House (listed Grade 2) and the former canteen building. An allowance has also been made for flood mitigation measures. Further details can be read in the Cooper Tires conceptual development specifications note (AKU 2024).

The allocation seeks to optimise the balance between enabling renewed employment uses and housing to secure the most viable and deliverable mix of uses, whilst renewing and adding to the range of opportunities for employment space within Melksham in conformity with Wiltshire Core Policies 36 and 37, existing employment land and regeneration.

Flood Risk Areas:

- 2.16 hectares of the site is in Flood Zone 1
- 1.95 hectares of the site is within Flood Zone 2 and
- 8.8 hectares is within Flood Zone 3.

With regard to the sequential assessment of reasonably available sites within Flood Zone 1, it is not immediately feasible to allocate land in Flood Zone 2 and satisfy government guidance, even though the site FRA has demonstrated this can be safely achieved. The allocation therefore only commits to about 100 dwellings, and supports further dwellings coming forward by 2038 where this enables viable development.

Local Case Study: The draft Local Plan does not bring forward allocation proposals for the site, similar to that for Innox Mills in Trowbridge. Melksham's community fully support JMNP2 promoting the site for mixed use regeneration. The town cannot wait for the five years of marketing required by WLP policy 65 to establish the site's current obsolescence, before mixed use regeneration can be commenced.

The proposed mixed-use site allocation adopted a very similar approach to that already adopted by the Wiltshire Local Plan in its allocation to enable the residential led regeneration of the Innox Mills site (Policy 55, Land at Innox Mills). This site is also constrained by Flood Zones 2 and 3, but is nonetheless proposed for housing development, where there is a plentiful supply of reasonably available land in zone 1, at Trowbridge.

As with the WLP Policy 55 approach to Innox Mills, the JMNP2 allocation requires the approval of a comprehensive master plan and delivery framework that should inform and direct potentially phased delivery of the site's regeneration, that may extend beyond the lifetime of JMNP2.

To enable this, JMNP2 only commits the site to delivery of approximately 100 dwellings by 2038, but provides support for further residential development to support longer term deliverability. Early stages of residential development are evidenced to be deliverable at prudent densities of between 50-60 DPH within flood zone 1 and 2 parts of the site.

Sustainability Appraisal: Wiltshire Council conducted a Sustainability Assessment of all shortlisted strategic allocation sites to resolve the most sustainable locations for allocation. It used a range of sustainability criteria to generate an overall score. (See Reg19 Local Plan Site Sustainability Assessments). At Trowbridge, the case study Innox Mills site scored highest, achieving a better overall score than other greenfield options due largely to its sustainable location and lower environmental impact.

A similar exercise was undertaken by JMNP2 to test the Cooper Tires site. Whilst it is not claimed to be part of Wiltshire Council's process, its initial conclusions were similar to those for Innox Mills.

Technical Studies: JMNP2 Allocation at Cooper Tires is informed by a suite of due diligence studies by its owner, conceptual use and capacity studies undertaken by a qualified master planning consultant (AKU), working in coordination with viability experts. The allocation also has regard to appropriate planning of more vulnerable residential and less vulnerable non-residential land uses in relation to the existing areas of flood zone 1, 2 and 3 land.

The resulting allocation balances the support for development of approximately 100 dwellings on 2 hectares of flood zone 1 land. It also requires the delivery of new employment uses that are also appropriate on flood zone 3 parts of the site. Such regeneration will be likely to intensify and diversify economic activity within a remaining (c6-8) hectares of the site, providing opportunities for development of uses most sustainably suited to edge of town centre locations.

The site specific Flood Risk Assessment (WSP 2024) provides guidance to inform how potential residential development within zone 2 can be made safe, without impacting on other parts of the site or neighbouring land. It also addresses how future phases may address achieving some residential development outside of zone 1 and 2.

Conceptual Land-Use Budgets (AKU): Site capacity studies undertaken by Anthony Keown Associates in 2023/24 have assessed realistic land use capacities related to Flood Risk zones identified in the EA Flood Maps for Planning and Wiltshire SFRA and with regard to NPPG land use flood vulnerability categories. Land uses and amounts have also been informed by independent viability assessment (Bailey Venning 2023/24). See Evidence base documents.

Capacity Summary:

Allocation boundary - 12.88 ha.

Allocation / viability land use zones and capacities

- Conceptual zone for residential development (main) - 3.90 ha.
- Conceptual zone for residential development (secondary) - 0.07 ha.

<u>Sub Total (more vulnerable use)</u>	<u>3.97 ha.</u>
● Conceptual zone for commercial development -	4.74 ha.
● Conceptual zone around retained buildings -	1.96 ha.
● Conceptual zone for linear park (main) -	1.58 ha.
● Conceptual zone for linear park (secondary) -	0.30 ha.
● Conceptual zone for SuDS infrastructure -	0.31 ha.
● Water around Melksham Gate weir -	0.02 ha.
<u>Sub-total (less vulnerable/water compatible uses)</u>	<u>8.91 ha.</u>
Total	12.88 ha.

Residential capacity

Density: @49 DPH

- Houses: 94
- Apartments: 101
- Total: 195

+retained heritage buildings allowance c15

Total = c210

Site Flood Risk Areas

Flood Zone 1:	2.16 hectares
Flood Zone 2:	1.94 hectares
Flood Zone 3:	8.78 hectares

Residential land/capacity in Flood Zone 1 and 2

FLOOD ZONE 1:	2.16 hectares - @49 DPH = c107 dwellings
FLOOD ZONE 2:	1.81 hectares - @49 DPH = c88 dwellings

Viability and Deliverability

Proposed JMNP2 brown-field site allocations have been informed by viability assessment. This forms part of the JMNP2 evidence base (Bailey Venning 2024). Through its assessment the mixed use development of the site applying the land use budgets provided by the AKU capacity assessments, demonstrates that the entire site redevelopment is not considered viable under current values. However, it demonstrates that housing development (in particular houses) does generate a positive and viable component that can contribute to viable development. Under current sequential policy constraints, it is not possible for JMNP2 to justify allocation of land within Flood Zones 2 or 3.

Informal land-owner and Regulation 14 consultations have engaged with and received representations from the land-owner's agents. The agents have been responsible for marketing the site and providing input to JMNP2. They expressed support for the allocation within representations made to Reg14A consultation. In its response to Regulation 14B consultation in August 2024 the agents updated this support, which was made on behalf of the prospective new owners. This set out in more detail that the new owners intended on progressing a planning application and master plan for the whole site. It also provided requested amendments to the draft allocation policy that it considered beneficial to enabling viable delivery of the development. To a large extent this involved enabling further housing development beyond the JMNP2 allocation within Flood Zone 1. The representation is indicative of tangible progress towards redevelopment of the site and delivery of proposed allocated housing within the c15 years of JMNP2 up to 2038.

Conclusion

Whilst capacity assessments have tested the potential of land within Flood Zone 1 and 2, the JMNP2 sequential approach does not currently justify the exception of residential allocations outside of Flood Zone 1. Capacity assessment has demonstrated that to contribute towards viable phased delivery of the mixed-use regeneration of the Cooper Tires site, the initial development of Flood Zone 1 land at realistic densities will enable about c100 dwellings (houses and apartments) within land safeguarded for flood mitigation and SUDS.

Further residential development within c1.9 hectares of the site within Flood Zone 2 could enable the development of c90 dwellings. This would be subject to addressing flood risk and would need to be justified through further work undertaken by the land owner.

An average density of c49DPH will be compatible with the integration of sustainable drainage, flood mitigation and safe escape route measures as outlined in the site-specific Flood Risk Assessment (WSP 2024) which was provided by the site owner as evidence.

If an average density of +70 DPH is applied, which has been assumed by Wiltshire Council for the local case study allocation at Innox Mills (and JMNP2 Stage 2 site assessment), this would produce a site capacity of c140 within just zone 1 land. However, this density of development would necessitate predominantly apartment development which impacts on the generation of value and does not respond as well to identified local housing needs.

Allocation of Cooper Tires site is well-supported by the community who have informed allocation priorities. It is justified as the most sustainable brownfield site within Melksham. Marketing and representations received on behalf of the new owner support the case that the site is deliverable within the plan period.

Evidence gathered has demonstrated that the proposed allocation of the site for mixed use development is in general conformity with national and strategic policies. It adopts a

proactive and positive approach to the site's regeneration that is not addressed by the emerging strategic plan.

The challenges of making an effective and deliverable allocation of this site are addressed by proportionate and robust evidence gathered in a collaboration between JMNP2, site owners and Wiltshire Council.

A cautious allocation of at approximately 100 dwellings within a mixed-use regeneration will support initial development within flood zone 1 and potential for further residential development to support viable regeneration.

Post Reg 14B Addendum

Deliverability.

New Site Owner

Further representation to the Reg14B (21 August 2024) consultation were submitted on behalf of the prospective new Cooper Tire Site owners by the site's current planning and commercial agents.

With reference to support and evidence of delivery, the representation stated;

"CTE is in advanced discussions with a development company and it is anticipated the sale of the site will be concluded shortly. Accordingly, these comments are made on behalf of the future purchaser who cannot be named at present

.....the prospective purchaser broadly concurs with the vision for the Site set out in the draft Neighbourhood Plan of a mixed, housing led scheme, reflecting the heritage assets on the site and its attractive, riverside location. The prospective purchaser would also expect to bring the site forward within a flexible masterplan framework.....

.....To that end the prospective purchaser currently envisages submitting a hybrid application for the Site (i.e. outline, with detail for the heritage and some other elements) within the context of a masterplan framework and illustrative masterplan prepared in consultation with stakeholders and in the light of public consultation.....

...The subsequent hybrid planning approval will then enable the prospective purchaser to invest in the reclamation and preparation of the Site, before bringing it to market when detailed proposals can come forward, alongside the delivery of those heritage and other elements approved in detail."

Reg 14B Comments; Policy 7.1REV Land at Cooper Tires Factory Site

Overall, and as previously noted, the prospective purchaser is supportive of the Cooper Tires sites draft allocation within the JMNP and are also pleased at the ambition of Melksham

Town Council to deliver a significant regeneration project within their town that could act as flag bearer for the brownfield first approach and deliver much needed development. However, in the context of the comments made above, some changes to the policy are sought to ensure that this draft allocation is deliverable and viable, and that the policy creates a suitable framework within which they can bring forward proposals.....”

Further details of the representation are recorded in the responses to representations.

The Reg 14B representation indicates tangible steps towards delivery of regeneration of the site and in alignment with the broad objectives and process set out in the JMNP2 policy. In response the submission JMNP2 has had regard to the requests made on behalf of the prospective owner to provide the requested flexibility to bring forward a viable development master plan and delivery strategy. These are reflected in the revised submission allocation 7.1.

Appendices

1. Cooper Tires
2. Library Site
3. Land South of Western Way
4. Whitley Farm
5. Middle Farm

Other than the assessment below, all the appendices can be accessed via this [this link](#).

1. Cooper Tires

Cooper Tires Site | Employing Wiltshire Council Sustainability Assessment Methodology | Compression Assessment

This sustainability assessment framework employs the methodology and sustainable development objectives used by Wiltshire Council in its assessment of the relative sustainability of reasonable alternative potential strategic allocation sites.

This desktop assessment is illustrative. It is not intended to supersede site assessments undertaken as part of JMNP2 sites selection process. It is intended to illustrate that, as with the local case study site at Innox Mills, Trowbridge, the Cooper Tires site also demonstrates levels of sustainable development credentials that would be likely to place it as one of the most sustainable options for site allocations at Melksham, above greenfield alternatives. This includes land south of Western Way (Site 1025) and land at Snarlton Farm (SHELAA Site 3525) which was assessed by WC as part of WLP Site 1. Both were assessed as being one of the most sustainable greenfield strategic site options at Melksham.

SHELAA Site 1025 was not considered suitable for allocation by JMNP2 in the initial sites allocation assessments due to its value as a green gap between settlements. New circumstances remove the ability of JMNP2 Policy 19 (Green Gaps and Wedges) to protect this site from development. SHELAA Site 3525 was assessed by JMNP2 as being potentially suitable, but partially within Flood Zones 2 and 3 along the route of Clackers Brook. It is also significantly larger than is needed to address JMNP2 requirements.

This illustrative assessment was undertaken by Vaughan Thompson who is a chartered town planner (MRTPI) with knowledge of the Cooper Tires site, its context and the Wiltshire Local Plan assessment process.

Cooper Tires	WILTSHIRE LOCAL PLAN SUSTAINABILITY ASSESSMENT CRITERIA
SEA Topic	Response
SA objective 1 – Protect Biodiversity and geological features and avoid irreversible losses	
<p>1 Avoid potential adverse impacts of development on local biodiversity & geodiversity</p>	<p>The site is previously developed land with the River Avon bordering at its eastern edge.</p> <p>The River Avon is designated as a County Wildlife Site. It is lined by trees and vegetation being of likely importance to species.</p> <p>Development should avoid removal of trees. A buffer should be provided to this feature that is appropriate in width.</p> <p>Protection, maintenance, and enhancement should be provided for habitats, trees within and along the boundaries of the site</p> <p>A minimum of 10% net gain for biodiversity is required within individual sites (as per latest biodiversity metric) and the overall layout and design of this site should ensure that habitat creation provides connectivity to adjacent or nearby habitat areas.</p>
<p>2 Protect and enhance designated and non-designated sites, priority species and habitats and protected species?</p>	<p>Key features on this previously developed site include the River Avon bordering the site on its eastern boundary.</p> <p>The River Avon County Wildlife Site is likely to represent priority habitat while species utilising</p>

	<p>the tree and vegetation lined corridor may include bats and otter.</p> <p>Development of the site has the potential to increase recreational pressure upon identified protected species, habitats, and designated/non-designated biodiversity features in the local area and this must be assessed and mitigated accordingly. Given no protected sites lie within walking distance of the proposed allocation, recreational pressure issues are reduced.</p>
3 Ensure that all new developments protect Local Geological Sites from development?	There are no LGS within or in close proximity to this site.
4 Aid in the delivery of a network of multifunctional Green Infrastructure?	<ul style="list-style-type: none"> The development of the site should conserve and enhance green infrastructure and holds the potential to make suitable provision for buffers at recognised water course/green corridors.
Assessment outcome	Neutral 0
SA objective 2 - Ensure efficient and effective use of land and the use of suitably located previously developed land and buildings Decision-Aiding Questions. Will the development site...	
1. Ensure development maximises the efficient use of land?	<p>It is considered that development of this brown-field site could deliver appropriate densities in line with local planning policy and Melksham Design Guidance (2023).</p> <p>Its central location in close proximity to public transport links, town centre and local shopping and services, King George V Park and on-site</p>

	employment create opportunity for lower levels of on-site car parking.
2 Maximise the reuse of Previously Developed Land?	This 12.88 hectare site consists entirely of brownfield land. Developing this site could maximise the reuse of this land.
3 Encourage remediation of contaminated land?	This site consists of former industrial land used for the manufacture of rubber. There is contamination on site. A detailed assessment of the site and a remediation and mitigation strategy would be required prior to any development coming forward.
4 Result in the permanent loss of the Best and Most Versatile Agricultural land (Grades 1, 2, 3a)?	No
5 Lead to the sterilisation of viable mineral resources?	No
6 Support the provision of sustainable waste management facilities to help reduce the amount of waste generated?	There are no known reasons why sustainable waste management facilities and integrated recycling infrastructure could not be incorporated successfully into the design and layout of this site.
Assessment outcome	Moderate (significant) positive effect 2
SA objective 3 - Use and manage water resources in a sustainable manner Decision-Aiding Questions. Will the development site...	

<p>1 Protect surface, ground and drinking water quantity/quality?</p>	<p>This site is not covered by a Source Protection Zone, Drinking Water Protected Area, or Drinking Water Safeguard Zone.</p> <p>Development of this site will need to make suitable provision to protect and, where appropriate, improve local surface and groundwater quality – this includes ensuring that enough buffer zones are located adjacent to the River Avon to ensure runoff does not enter. Consideration should be given to Sustainable Drainage Systems to control the risk of surface water flooding from impermeable surfaces.</p>
<p>2 Adequate water supply, foul drainage, sewage treatment facilities and surface water drainage are available?</p>	<p>This site falls within the catchment area supplied by Wessex Water.</p> <p>Water supply demands may increase from development occupants. It is likely that moderate off-site infrastructure reinforcement would be required.</p> <p>The area covered by Wessex Water has been classed by the Environment Agency as ‘seriously water stressed’. Steps will need to be taken to ensure the efficient use of water through the development and occupation of the site.</p> <p>With regard to foul water network capacity, it is likely that moderate off-site infrastructure reinforcement would be required.</p> <p>Replacing industrial water infrastructure may affect site viability.</p>
<p>Assessment outcome (on balance):</p>	<p>Moderate (significant) adverse effect. -2</p>
<p>SA objective 4 - Improve air quality and reduce all sources of environmental pollution</p> <p>Decision-Aiding Questions. Will the development site</p>	

<p>1 Minimise and, where possible, improve on unacceptable levels of noise, light pollution, odour, and vibration?</p>	<p>The site is centrally located close to the A350 and industrial uses at Avonside where noise impacts may arise.</p> <p>A noise impact assessment would be required.</p>
<p>Reduce impacts on and work towards improving and locating sensitive development away from areas likely to experience poorer air quality due to high levels of traffic and poor air dispersal?</p>	<p>Melksham does not have an Air Quality Management Area (AQMA). However, new development would feed into existing networks of roads that go through the AQMAs of Devizes and Bradford on Avon, potentially further contributing to the elevation of emissions in Melksham and in these AQMAs.</p> <p>Steps would need to be taken to mitigate the impact of new development. If the site is allocated, CIL/S106 contributions would be required to enable the council to put in place funding to enable actions to be taken to reduce emissions. Impacts on local air quality are most likely to arise from an increase in vehicle usage on existing roads and from any new highway infrastructure needed to serve the development.</p> <p>However, this is a centrally located site close to many of the town centre’s amenities, so the adverse effects may be less severe than greenfield sites on the periphery due to walkability to services and facilities.</p> <p>This site on its own is unlikely to have significant adverse effects on air quality. However, potential cumulative effects of a number of different allocations would need to be considered in terms of the context of the town and location of services for any allocations.</p> <p>A proportionate Air Quality Assessment for this site would be required.</p>
<p>2 Lie within a</p>	<p>No</p>

<p>consultation risk zone for a major hazard site or hazardous installation?</p>	
<p>Assessment outcome</p>	<p>Minor adverse effect. -1</p>
<p>SA objective 5 - Minimise our impacts on climate change (mitigation) and reduce our vulnerability to future climate change effects (adaptation) Decision-Aiding Questions.</p>	
<p>1 Maximise the creation and utilisation of renewable energy opportunities, including low carbon community infrastructure such as district heating?</p>	<p>Emissions from new uses should be compared with those from the former industrial processes. It is considered that fewer emissions would be produced during the construction and occupation of the site. Mitigation measures can still be applied within this objective and across the whole framework to reduce emissions. Some examples include building energy efficient buildings, generating on site renewable energy and delivering sustainable transport in line with JMNP policies 1 and 2.</p> <p>It would be possible for a development of this scale to include renewable energy generation. Whilst this would include infrastructure within buildings rather than areas of open space, the “Melksham Gate Hydro-Electric Feasibility Study” (Renewables First, March 2023) commissioned by the Wilts & Berks Canal Trust found a hydropower system could be developed within the land boundary capable of generating an average of 268,192kWh per year. There is no existing district heating network for this site to link into.</p>

	<p>To help to increase the use and supply of renewable and low carbon energy and heat from this site, there will need to be a positive strategy for energy from these sources from developers that maximises the potential for suitable development, considers identifying suitable areas for renewable and low carbon energy sources and identifies opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.</p>
<p>2 Be located within Flood Zones 2 or 3? If so, are there alternative sites in the area within Flood Zone 1 that can be allocated in preference to developing land in Flood Zones 2 or 3?</p>	<p>c80% of the site is within flood zones 2 and 3. The site is within an existing employment use, protected by Core Strategy Policy 35 and JMNP Policy 7.1.</p> <p>It is not considered possible for replacement employment development to be located on other sites within Flood Zone 1.</p> <p>Site analysis and an Initial Site Flood Risk Assessment has identified potential for medium risk employment and protected residential development on flood zone 2 land with mitigation and management measures.</p> <p>Due to being too high risk, subject to the exception test.</p> <p>Flood zone 3 land should include water compatible and low vulnerability uses. A buffer zone should be left adjacent to the River Avon with significant biodiversity enhancement and Green Infrastructure. This would result in the loss of developable land.</p>

	<p>Consideration should be given to sequentially planning the development of the site to ensure that the risk of flooding is alleviated.</p>
<p>3 Minimise vulnerability to surface water flooding and other sources of flooding, without increasing flood risk elsewhere?</p>	<p>There is moderate to significant flood risk to the majority of the site associated with both surface and fluvial flooding, which may be exacerbated by climate change.</p> <p>It is thought to be unlikely that development could avoid these areas and could worsen the flood risk elsewhere if surface water isn't managed sustainably.</p> <p>A detailed Flood Risk Assessment and Surface Water Drainage Strategy would be required to identify and mitigate flood risk and to ensure flood risk isn't worsened elsewhere.</p>
<p>4 Promote and deliver resilient development that is capable of adapting to the predicted effects of climate change, including increasing temperatures and rainfall, through design e.g. rainwater harvesting, Sustainable Drainage Systems, permeable paving etc?</p>	<p>Plans for developing this site should take a proactive approach to mitigating and adapting to climate change, considering the long-term implications for flood risk, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. It is considered that any future development of this site would need to incorporate appropriate measures to adapt to the predicted future impacts of climate change. The location, layout and design of any new development should be planned through a site framework master plan, to avoid increased vulnerability to the range of impacts predicted to arise from climate change, including flood risk, water supply and changes to biodiversity and landscape.</p> <p>This site is located less than 200m from the town centre, open spaces, station and local supermarkets, which could enable active travel to the town centre and ease of access to public transport.</p>

	<p>Development would need to include adaptation measures such as designing to prevent overheating, heat resistant landscaping, more resilient foundations, drought resistant planting and for generally more resilient buildings and spaces (general design and robust materials). Enough land would need to be set aside for robust surface water management, to include comprehensive surface water drainage measures (including SuDS).</p>
<p>Assessment outcome</p>	<p>Moderate (significant) adverse effect -2</p>
<p>SA objective 6 - Increase the proportion of energy generated by renewable and low carbon sources of energy.</p>	
<p>1 Support the development of renewable and low carbon sources of energy?</p>	<p>As this is an urban regeneration site, there may be less open space available for opportunities to support energy generation from renewable and low carbon sources. There may still be opportunities for renewable energy generation on a smaller scale, for example, solar panels on roofs. To help to increase the use and supply of renewable and low carbon energy and heat from this site, there will need to be a positive strategy for energy from these sources from developers, that:</p> <ul style="list-style-type: none"> • maximises the potential for suitable development. • considers identifying suitable areas and options (including the river and weir) for renewable and low carbon energy sources; and • identifies opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

<p>2 Be capable of connecting to the local Grid without the need for further investment?</p>	<p>The electricity infrastructure is constrained across much of Wiltshire. The Grid Supply Points in Wiltshire, located in Minety and Melksham are both constrained. The Bulk Supply Points across Wiltshire are also constrained.</p> <p>Due to the uptake of low carbon technology, and the move towards net zero, the Climate Change Committee have estimated that energy demand could almost treble by 2050. This increased pressure on the system is something SSEN, as Distribution Systems Operator, is working on in order to manage new system capacity. Solutions may include flexible connections, renewable energy, and further investment to reinforce the current infrastructure. Early engagement with SSEN may be required to discuss connections issues and new solutions may be required.</p>
<p>3 Create economic and employment opportunities in sustainable green technologies?</p>	<p>There may be parts of the site that could be suitable for renewable and low carbon energy sources and supporting infrastructure including the River and weir. However, it is likely that most of the site will be used for development to improve viability. With less renewable energy generation on site there are fewer possibilities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems onsite and for co-locating potential heat customers and suppliers.</p>
<p>4 Deliver high-quality development that maximises the use of sustainable construction materials?</p>	<p>Development of this site would be able to deliver a high-quality development that makes maximum use of re-purposed fabric and sustainable construction materials throughout the development.</p>
<p>5 Deliver energy efficient development that exceeds the</p>	<p>New development should also consider incorporating EV charging points into site design</p>

minimum requirements set by Building Regulations?	and also into individual dwelling design, where possible. However, this will need to be factored into the increased demand the site will have on the existing infrastructure.
Assessment outcome (on balance):	Minor positive effect +1
SA objective 7 - Protect, maintain and enhance the historic environment.	
1. Conserve and enhance World Heritage Sites, Scheduled Monuments, Listed Buildings, the character and appearance of Conservation Areas, Historic Parks & Gardens, sites of archaeological interest and, where appropriate, undesigned heritage assets and their settings?	<p>Development at this site would have an impact on the Grade II Listed Avon House and non-designated heritage asset, former canteen building. There would be a requirement to include uses for Listed Buildings and heritage assets and to respect their setting and settlement pattern, character and appearance of the town. There is a potential for enhancement.</p> <p>Brownfield site has been subject to development, archaeological remains may survive but are also likely to have been disturbed.</p> <p>Further investigation is likely needed during a planning application process to identify the presence and significance of as yet unknown archaeological remains across the site.</p> <p>Mitigation strategy could include preservation by record where relevant.</p> <p>The site is located within an industrial and extractive landscape and within a built-up area therefore there is no historic landscape sensitivity. No mitigation strategy is identified at this stage. The potential for significant adverse historic landscape effects is low.</p>
2. Maintain and enhance the character	In accordance with national policy/local policy, the development of the site for housing and

<p>and distinctiveness of settlements through high quality and appropriate design, taking into account, where necessary, the management objectives of Conservation Areas?</p>	<p>employment uses could maintain and enhance the distinctiveness of settlements through high quality design. No details of any potential future development scheme or design and layout are currently known. Development of the site would have the potential to appropriately protect and enhance designated and non-designated heritage assets according to their significance. The site is not adjacent to a conservation area but is adjacent to listed buildings. It is considered that development has the potential for appropriate mitigation measures to safeguard the historic environment of the site and its immediate surroundings.</p>
<p>Assessment outcome (on balance):</p>	<p>Minor adverse effect -1</p>
<p>SA objective 8 - Conserve and enhance the character and quality of rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place.</p>	
<p>1 Minimise impact on and, where appropriate, conserve and enhance nationally designated landscapes e.g. National Parks and AONBs and their settings?</p>	<p>Significant impacts on nationally designated landscapes from development are not anticipated.</p>
<p>2 Minimise impact on, and enhance, locally valued landscapes through high quality, inclusive design of</p>	<p>The site is located to the immediate north-west of Melksham town centre and within c500m of the railway station. The site comprises a substantial area of hardstanding. The heritage assessment (Install</p>

<p>buildings and the public realm?</p>	<p>2023) has identified a small number of historic former factory buildings and features remaining on the site, particularly grouped adjacent to the listed building.</p> <p>Mature trees line the bank of the River Avon linking into the countryside.</p> <p>Within the site there are mature trees within the Bath Road frontage car parking and at the south-western corner of the site.</p> <p>This is an undesignated urban landscape that is in generally poorer condition but has significant landscape value because of its contribution to the riverside or its landmark status within the factory environment.</p> <p>The former factory buildings and mature trees within the site and along the river corridor contribute to a local sense of place and local value</p> <p>Overall, the site is of generally low landscape sensitivity to development and generally high capacity to accommodate development.</p> <p>Potential for significant adverse effects include the following:</p> <ul style="list-style-type: none"> • Potential for new built form to be conspicuous and break the existing roofline in views from within the conservation area. • Potential for new built form to erode the industrial character of the townscape and be out of keeping, particularly considering the distinctive former factory buildings. • Potential loss of riverside tree boundaries and landmark trees that would alter the sense of place and remove vegetation links through the urban area.
--	--

	<p>Scope for mitigation include the following:</p> <ul style="list-style-type: none"> • Limit development heights in order to keep development within the existing roofline levels of the surrounding townscape. • Avoid development that is uncharacteristic of the industrial scale, pattern and vernacular. • Retain and manage trees as part of a mature landscape framework.
3 Protect and enhance rights of way, public open space and common land?	There is no public open space or common land within this site. There are opportunities to increase connectivity to surrounding destinations, including the town centre and train station.
Assessment outcome (on balance):	Major (significant) positive effect +3
<p>SA objective 9 - Provide everyone with the opportunity to live in good quality, affordable housing, and ensure an appropriate mix of dwelling sizes, types and tenures</p> <p>Decision-Aiding Questions. Will the development site...</p>	
1 Provide an appropriate supply of affordable housing?	House building rates have been lower than what was anticipated by the WCS although there have been reasonable levels of affordable housing delivery. Notwithstanding any mitigation that may be required which results in a reduced developable area, the development range for this site means that it has potential to deliver a small number of affordable homes.
2 Support the provision of a range of house types and sizes	Should this 12.88 hectare site be developed for residential and mixed uses, notwithstanding any

<p>to meet the needs of all sectors of the community?</p>	<p>mitigation that may be required which results in a reduced developable area, it has the potential to provide for a range of housing types and tenures addressing local needs, with potential to deliver a range of high-quality, sustainable homes.</p>
<p>Assessment outcome (on balance):</p>	<p>Minor positive effect. +1</p>
<p>SA objective 10 - Reduce poverty and deprivation and promote more inclusive communities with better services and facilities</p>	
<p>1 Maximise opportunities for affordable homes and job creation within the most deprived areas?</p>	<p>Melksham is subject to areas of deprivation, therefore while directing development towards this location could have some benefits, it is unlikely that the site would result in maximising opportunities to direct affordable homes and jobs towards the most deprived areas. The c2 hectares of the site within Flood Zone 1 could deliver c100 homes, with potential for greater housing capacity subject to addressing flood risk in Flood Zone 2 and possibly 3 land. Within a viable development strategy, development could lead to new affordable house types and tenures. There would be benefits for the Melksham area through housing provision, short-term construction jobs and a larger workforce for local businesses.</p>
<p>2 Be accessible to educational, health, amenity greenspace, community and town centre facilities which are able to cope with</p>	<p>The site adjoins Melksham town centre and benefits from access to services, facilities and public transport connections in the area. The River Avon presents an opportunity for onsite amenity greenspace.</p>

<p>the additional demand?</p>	<p>Housing development at this site would be expected to provide proportionate support for education.</p> <p>Early years places could be supported through the expansion of existing local provision, primary places could be provided through the expansion of existing schools or through the creation of additional places at the new school at Pathfinder Way or new education provision detailed in the Melksham site allocations in the Local Plan. Financial contributions would be required to supply new secondary school places off-site.</p> <p>To increase capacity in existing or new facilities financial contributions would be required.</p> <p>There is a possibility that the residential development of the site will adversely affect the delivery of health services. Financial contributions are to be sought through development to ensure new residents have access to healthcare facilities, resulting in no negative impacts on health provision.</p>
<p>3 Promote/create public spaces and community facilities that support public health, civic, cultural, recreational and community functions?</p>	<p>The site is bounded by the existing community on Scotland Road, the A350 and "The City", along Bath Road. Any new facilities, homes and sustainable transport connections in this area would serve Melksham predominately. The site would make no contribution to the reduction of rural social isolation.</p>
<p>Assessment outcome (on balance):</p>	<p>Moderate (significant) positive effect +2</p>
<p>SA objective 11 - Reduce the need to travel and promote more sustainable transport choices.</p>	
<p>1 Promote mixed-use developments, in</p>	<p>The site is located in a highly sustainable location, with all necessary infrastructure and</p>

accessible locations, that reduce the need to travel and reduce reliance on the private car?

service demands within the preferred maximum walking distance.

However, traffic congestion on A350 and in the town centre is an existing issue (prior to delivery of proposed Melksham by-pass). The capability of local infrastructure to accommodate additional all mode movements should be addressed directly by any scheme brought forward.

In conformity with Development Plan policy, development should optimise the number of diverse jobs within the employment element of the scheme, but potentially within a mixed use master planned approach that includes residential development where appropriate. The second aim of the development should seek to maximise connectivity with the town centre and other employment centres in a sustainable way and thereafter accommodate any local highway capacity concerns by mode.

Local Constraints

Local pedestrian and cycling connections to the site are fair, but there is capacity within the highway network and the sites for their significant improvement connected to enhancements prioritised for the town centre.

Whilst Cooper Tires has previously generated significant employee and servicing movements, the mix of employment, commercial and residential units can present conflicts. The planning of employment units needs to be directly considered against the potential servicing implications and impacts upon adjacent existing and any planned new residential development. Such consideration will include direct servicing provision, impact upon commercial and residential parking, the

	design of streets and the potential need to apply Traffic Regulation Orders to control local on-street parking within the development.
2 Provide suitable access and not significantly exacerbate issues of local transport capacity?	Development can provide access points to Bath Road and Scotland Road. The quantum and mix will be supported by a transport assessment.
3. Make efficient use of existing transport infrastructure and promote investment in sustainable transport options, including Active Travel?	The site is well-connected to existing highway, public and pedestrian transport infrastructure within easy and level (5 mins) walk of all parts of the site. It provides a strong incentive to minimise the use of cars for local trips to the town centre and convenience shopping and for leisure.
Assessment outcome (on balance):	Minor positive effect 1
SA objective 12 - Encourage a vibrant and diversified economy and provide for long-term sustainable economic growth.	
Support the vitality and viability of town centres (proximity to town centres, built up areas, station hub)?	The 12.88 hectare site adjoins the town centre and is within 400m of Melksham Station. The site is within a built-up area and is in close proximity to Avonside Enterprise Park Principal Employment Area. The site would therefore be able to make an excellent contribution towards supporting the regeneration of the town centre, town centre vitality and associated facilities.
Provide a variety of employment land to meet all needs, including those for higher skilled	The 12.88 hectare site is now un-used in the built-up area of Melksham. Through regeneration it would be likely to support an element of mixed-use development, Including regenerated employment to meet local and regional needs and demands to

<p>employment uses that are (or can be made) easily accessible by sustainable transport including active travel?</p>	<p>complement Melksham’s employment land offer at Bowerhill and through allocation of 5 hectares of employment land east of Melksham. Access to the railway line and A350 suggests this site may be attractive for higher skilled employment and could help to provide different types of employment land to meet a range of needs.</p>
<p>3. Contribute to the provision of infrastructure that will help to promote economic growth, including opportunities to maximise the generation and use of renewable energy and low-carbon sources of energy?</p>	<p>The site benefits from excellent access to the train line and existing transport network. Master plan led development including new linking routes could help improve connectivity around the site and to the train station. New employment and other uses at this site could support the viability of enhanced rail services or increased frequencies. To help to increase the use and supply of renewable and low carbon energy and heat from this site, there will need to be a positive strategy for energy from these sources that maximises the potential for suitable development, considers identifying suitable areas for renewable and low carbon energy sources and identifies opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.</p>
<p>4 Promote a balance between residential and employment development to help reduce travel to work distances?</p>	<p>The existing site is wholly within employment use, but is not a Principal Employment site, close to existing commercial uses, the town centre and public spaces. A residential, employment or mixed-use development at this site could be complementary to Melksham town centre, significantly reducing the need to travel for employees and residents of the site.</p>
<p>Assessment outcome (on balance):</p>	<p>Major (significant) positive effect. +3</p>
<p>Assessment Total</p>	

7.2 Former Library and Lowbourn House

The Site

The 0.65 hectare promoted site is owned by Wiltshire Council. It is promoted for the development of c50 affordable extra-care dwellings for qualifying older people. The library and car park were declared surplus to requirements by Wiltshire Council. The site is being actively progressed by Wiltshire Council which intends to manage the accommodation. It has declared all public uses on the site surplus to requirements.

The site includes;

- The former Melksham Library, formerly a community facility protected by Core Strategy Policy 49 and JMNP1 Policy 15.
- Lowbourn House, a mid 20th century former office (in short term class E use). Employment uses are protected by Core policy 35 and JMNP1 Policy 10.
- A neighbouring vacant take-away restaurant (class E), protected by JMNP1 Policy 9 (Town Centre).
- A vacant former Further Education building
- A 66-space public car park that predominantly served the library.
- The site is within Melksham Town Centre, Melksham Conservation Area and contains protected trees.

Availability

Wiltshire Council is owner of the whole proposed allocation site.

It has promoted the site specifically for the development of 100% affordable extra care housing to be managed by the authority. Ongoing dialogue (3 May 2024) confirms the site is still available for allocation and plans for its development are being progressed.

Site Assessment

Stage 1 and 2 site assessment of the site found the site to be potentially suitable but identified constraints and policy challenges.

'The site is previously developed land located in the town centre of Melksham, well located for key services.

The site includes a former library, Lowbourn House, which is currently in employment use and associated surface car parking. A new library is provided as part of the Melksham Community Campus located in Melksham Town Centre. The loss of community facilities and potential loss of employment space should be justified in relation to the range of criteria set out in Core Policy 35 and 59 of the adopted Wiltshire Core

Strategy and Policy 15 of the Joint Melksham Neighbourhood Plan. Core Policy 36 of the adopted Wiltshire Core Strategy supports the regeneration of brownfield sites in Melksham

where the proposed uses help deliver the overall strategy for that settlement and/or enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre.

The site has limited environmental constraints and has existing access to support the proposed development. The site includes a Sycamore tree protected under the Tree Preservation Order which should be retained.

The site is located within the Conservation Area and in close proximity to a significant number of designated heritage assets. Further heritage assessment would be required to understand the potential impacts of development and identify appropriate mitigation. The redevelopment of brownfield sites in the Town Centre is generally supported by Policy 9 Town Centre of the Joint Melksham Neighbourhood Plan and Core Policy 36 of the adopted Wiltshire Core Strategy.

The site is promoted by the landowner and available for development, however, its development timeframe may be impacted by the lease at Lowbourne House.” No significant issues were raised.

Stage 3-5 Assessment

Stage 3 dialogue with Wiltshire Council and responses to Reg 14(A) consultation did not object to its proposed allocation.

Stage 4 consideration by Steering Group had regard to further technical evidence provided by the site promoter, capacity, land-use. Wiltshire Council provided initial sketch capacity assessments that give early indication that the site is capable of accommodating c50 extra-care apartments, aligning with baseline capacity estimates by the Stage 2 assessment.

Stage 5 dialogue with the landowner re-confirmed the site’s availability, updated on its proposed demolition application and informally agreed a reasonable and deliverable ambient density of c50-60DPH upon which to calculate residential capacity. Wiltshire Council confirmed in an email dated 2 May 2024 that it was assembling its team to progress a scheme design.

Key JMNP2 Objectives

- Supporting sustainable development of new housing and associated facilities within settlements, and adjacent to settlements.
- Protecting and enhancing the vitality of Melksham town centre.
- Promoting opportunities for people to lead healthier lifestyles with a greater sense of well-being.
- Ensuring that new development is sympathetic to our built heritage and the character of the area, with high standards of design.

- Encouraging cycling and walking and journeys by rail and bus to reduce the need to travel by car.
- Planning for new development that addresses the impact of climate change.

Policy Context

NPPF

Brownfield Land; As above

NPPF Paragraph 66 (b) directs planning policies to provide housing to meet community needs including “specialist accommodation for a group of people with specific needs”

(such as purpose-built accommodation for the elderly.)

It is recognised that such housing should be provided in the most sustainable locations to maximise the quality of life for older residents and minimise the need for car journeys by residents and staff.

Wiltshire Core Strategy

Wiltshire Core Policy 49 seeks to protect existing community facilities and community facilities uses on a site. Melksham has a new Community Campus facility which provides enhanced and increased library, sports, swimming and civic facilities with a high quality public car park close to the town centre and in close proximity to the Assembly Hall and Town Hall. This provides a much enhanced and highly accessible multi-functional consolidation of community facilities for the town.

The associated public car park is protected by Core Strategy Policy 64. Its use has been assessed by a 2024 Melksham Town Centre Car Parking Study (AECOM). It has a very low level of use, set within the context of an overall surplus of car parking within the town centre. Its loss will not lead to a shortage of public parking.

Lowbourne House occupies part of the rear of the site. The employment uses it hosts will be lost with redevelopment of the site, contrary to JMNP policy. However, this should be balanced with long-term employment that will be generated by the proposed extra-care facility. JMNP2 is also proposing the enabling of regenerated employment floorspace at the Cooper Tires site alongside Wiltshire Council’s ongoing protection of Avonside Enterprise Park as a Principal Employment Site.

The former restaurant use is vacant. It is located at the periphery of the town centre and outside of the Primary Shopping Area. NPPF Para 90(f) recognises “that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.”

The former Further Education building use is vacant. In the early 1960s the centre was closed and the provision moved to the nearby secondary Shurnhold School. This was due to

the redevelopment of the site for the Library building and adjoining Health Clinic; with the Clinic building latterly being used as a restaurant.

JMNP2

JMNP1 Policy 6 supports residential development that meets the needs of an increasing population of older and disabled people and proposals for age restricted housing, extra-care communities and nursing homes ... only in the most sustainable locations, closely linked to local services and public transport.

Whilst recognising that loss of community, employment and car parking on the site conflicts with other adopted Development Plan policies, evidence identifies that the greater benefits in enabling the development that meets specific identified need for increased specialist residential accommodation on this highly sustainable and accessible site. In addition, alternative and improved community facilities are already provided, car parking is recorded as not being an efficient use of the site and alternative space for employment is available and promoted within and adjacent to the town centre.

Key Policies

- Policy 1: Sustainable Design and Construction
- Policy 3: Flood Risk and Natural Flood Management
- Policy 6: Housing in Defined Settlements
- Policy 7.2: Land at the Former Melksham Library Site
- Policy 9: Town Centre
- Policy 10: Employment Sites
- Policy 11: Sustainable Transport and Active Travel
- Policy 12: Green and Blue Infrastructure
- Policy 13: Biodiversity
- Policy 17: Trees and Hedgerows
- Policy 20: Locally Distinctive, High Quality Design
- Policy 21: Local Heritage

Justification

Meeting Specialist Local Housing Needs in the Most Sustainable Location

JMNP2 Housing Needs Assessment (2022) found the existing stock of specialist older persons' housing in Melksham & Melksham Without consists entirely of retirement housing, with no provision for extra-care. The proportion of those aged 75+ in the local population is projected to rise from 8.6% to 14.5% by the end of the plan period, an increase of 1768 people in the JMNP2 area. It estimates a future need in Melksham & Melksham Without for a range of 444 to 616 specialist accommodation units during the Plan period.

Sustainable Development of Brownfield Land

See Cooper Tires above.

The site combines vacated buildings and underused parking and office facilities. Issues of loss of community facilities are addressed below.

Stage 2 assessment acknowledges the site is extremely sustainably located in its relationship to town centre retail, service, leisure and public transport facilities.

Protecting or Enhancing the Conservation Area

The existing vacant buildings do not contribute positively to the character of the conservation area or adjacent heritage assets. Regeneration of the site to an appropriate scale and design can enhance the character and setting for heritage assets.

Capacity studies indicate c50 dwellings may be capable of providing this.

Evidence

Capacity

The allocation for 50 extra-care dwellings is based upon capacity and scheme concepts provided by Wiltshire Council that illustrate that such capacity can be achieved within a three storey development. This scale of development is compatible with the ambient scale of this part of the Conservation area. The layout indicates that protected trees will not be impacted. However, final capacity will be resolved through assessment of detailed design, which is enabled through flexibility within the allocation.

Effectiveness and Deliverability

Site Capacity

Stage 2 Site assessment estimated the site to have a capacity for c 45 dwellings, at c70 DPH. Wiltshire Council is actively progressing the promoted development and provided early concepts and information to demonstrate its deliverable capacity for c50 extra-care dwellings and intended programme.

Viability and Deliverability

The draft allocation has been subject to an initial viability check (Bailey Venning 2024). Whilst Wiltshire Council is proposing to deliver a 100% affordable housing scheme, viability assessment of the allocation suggests that a more flexible approach will secure long term viability of the extra-care development. This is reflected in the allocation and does not prejudice Wiltshire Council's intention.

Flood Risk

The site is not within Flood Risk Zone 2 or 3. However there is a risk of flooding of Lowbourne adjacent to Clackers Brook. This will not affect the site delivery. However, alternative emergency exit may be achieved via Union Street Car Park, which is owned by

Wiltshire Council. Proposals for development will need to be supported by a proportionate emergency plan.

Conclusion

Evidence has demonstrated that this brownfield site no longer serves its former purposes and is assembled by a single public sector land owner to provide specialist housing that is forecast to be in greater need in a highly sustainable location, which is compatible with Melksham town centre. The loss of community facilities is more than addressed by the new campus facility. There is an oversupply of car parking and lost employment space is being replaced by new employment within the site and through the allocation of housing.

The site is shown to be capable of accommodating c50 extra-care dwellings in a form of development that is likely to be compatible with its conservation area setting.

Wiltshire Council, the site owner and intended development manager, is actively progressing the scheme establishing its likely deliverability.

Post Reg14B Addendum

Deliverability

Wiltshire Council (Property Service) has maintained dialogue with the JMNP2 process and made representations at Reg14B consultations. This has included updating the Steering Group on progress being made towards delivery of the proposed and promoted specialist accommodation. In July 2024, consent was granted to demolish the former library building (Ref: PL/2024/04061). In September 2024 Wiltshire Council advertised to appoint a design team to progress scheme proposals and demolition began.

In response to representations the allocation has also been slightly amended to widen the scope of specialist dwellings for older people to enable flexibility in the type of provision.

7.3 Land South of Western Way (Site 1025)

The Site

The 12.2 hectare greenfield site is located south of Western Way, east of the A350 and west of new residential development and proposed primary school at Pathfinder Way, and is available for allocation. Outline planning consent for 210 dwellings and a 70 bed care home was granted on appeal in November 2023. Wiltshire Council are also in the early planning stages for a strategic central depot on the former golf course land and temporary highway depot to the south of the site.

The outline consent reserves all matters other than the use and access, although layout, height, landscape and access plans are included within approached plans. The consent establishes the principle of housing development on the site (within the conditions of the permission) and is a significant change in circumstances which JMNP2 should have regard to.

Assessment of the site was not identified as suitable, JMNP2 has taken a positive and flexible approach by promoting its allocation, recognising the likelihood of its future development, but seeking to inform the detailed planning process. Allocation also provides a greater level of confidence that JMNP2 can meet housing requirements, thus reducing pressure on Cooper Tires regeneration and removing the quantitative need to consider other greenfield less favourable sites.

New Circumstance- Outline Planning Consent

Matters Fixed

- Site Location Plan
- Access strategy
- Access parameters plan
- Land use parameters plan
- Scale parameters plan
- Density parameters
- Landscape parameters plan

21 Conditions

The scheme is also to provide a new footway and Toucan crossing of Western Way.

Detailed Reserved Matters for Future Application

- Scale of development
- Layout of development
- External Appearance

- Landscape
- Details of access roads and footpaths

All reserved matters must be submitted for approval within three years of November 2023 and development completed within two years of the final detailed approval.

Availability

The site was promoted for allocation through the Local Plan SHELAA and then JMNP2 Call for Sites. Engagement with site promoters in April 2024, re-confirmed the availability of the site for allocation, subject to alignment with outline consent parameters.

Site Assessment

Stage 1 Assessment

The site is greenfield located between Melksham and Bowerhill. It is adjacent to residential development at Site 267 and 266 currently under construction. Development of the site would erode the last remaining buffer between Melksham and Bowerhill, and significantly increase the risk of coalescence of Berryfield and Bowerhill, contrary to Policy 16 of the Joint Melksham Neighbourhood Plan. The site falls under the recommended Green Wedge between Berryfield, Bowerhill and Melksham (Location 7) of the JMNP Green Gap and Green Wedge Assessment 2023.

Other key constraints identified relate to the potential loss of the Best and Most Versatile Agricultural Land. The site is adjacent to an employment area to the south which may have implications in relation to access, noise, odour and air pollution.

The site was considered Not Suitable and did not progress to further assessment.

NB Assessment was undertaken prior to appeal decision, granting outline consent for development of the site for 210 dwellings and 70 bed care home. “

Draft Local Plan Sites Assessment.

Due to the stage 1 assessment outcome and proposed designation of the site within a Green Wedge, JMNP2 sites assessment process did not consider it further. However, due to the appeal decision, it will not be possible for JMNP2 to make this designation. The primary reason for the Stage 1 site assessment outcome has been superseded by these new circumstances.

Site Number and SHELAA ref(s): Site 9 (SHELAA site 1025)

Site name: Land south of Western Way

Site size: 10.22ha Site capacity: approximate range 255 - 358 dwellings

Site description: A small site located to the south of Melksham. The site is greenfield and in agricultural use. The site boundaries extend north to Western Way, east to land with an

approved planning application 16/01123/OUT for 235 dwellings, south to Bowerhill Industrial Estate and west to a narrow strip of land adjacent to the A350. Footpath MELW42 runs along part of the western site boundary.

The Wiltshire Council Sustainability Appraisal process conducted on all reasonable alternative sites found Site 1025 / Site 9 Land South of Western Way, to be the most sustainable alternative site relative to others tested. However, it was not progressed to allocation by WLP due to the lodged planning application.

Whilst JMNP2 sites assessment of the site has not been reviewed, it can be seen that the parallel strategic site assessment process undertaken by Wiltshire Council found the site suitable.

Objective

Response to New Circumstances

The consent removes the ability of JMNP2 to designate the land as a protected green wedge. It establishes the principle and amount of residential development and associated contributions and parameters. Development is not within any strategy for housing growth at Melksham (WLP did not allocate it due to planning application),

Development is required to be delivered within the JMNP2 period by conditions of the consent. It is likely to take three years to complete (ref to engagement with owner's agent).

Matters of detail remain to be resolved including the detailed layout. This includes the precise types and mix of housing.

Allocation plans positively and recognises the principle established by the consent for development. It seeks to regularise and take account of its housing delivery numbers up to 2038 as contribution to meeting local housing requirements set by Wiltshire Council.

Reinforcing Development Parameters

Appeal decision PL/2022/08504 consented development with 21 planning conditions that should govern the content, form, further application process, timescale for delivery and construction management of the development. Allocation seeks to recognise and reinforce the requirements within the development plan.

Addressing Detailed Matters

Detailed matters for further approval are identified by the appeal decision. The allocation seeks to proactively apply JMNP2 objectives and policies in site specifically and through engagement with the community to provide greater levels of clarity to future developers and certainty to existing and future neighbouring residents and employers and optimise how the detailed mix, layout, connectivity and appearance of the scheme will optimise community well-being and minimise harm.

Key JMNP2 Objectives

- Planning for new development that addresses the impact of climate change.
- Supporting sustainable development of new housing and associated facilities within settlements, and adjacent to settlements.
- Promoting the delivery of infrastructure to address the needs of the population.
- Supporting improved transport infrastructure for the increasing Neighbourhood Plan Area population.
- Encouraging cycling and walking and journeys by rail and bus to reduce the need to travel by car.
- Protecting, connecting and increasing our network of green spaces.
- Promoting opportunities for people to lead healthier lifestyles with a greater sense of well-being.
- A locally distinctive and high quality built and natural environment through:
 - Conserving and enhancing the quality of the natural landscape.
 - Ensuring that new development is sympathetic to our built heritage and the character of the area, with high standards of design.

Policy Context

Wiltshire Core Strategy

Outline planning consent **PL/2022/08504** was granted on appeal in November 2023. The development is not in conformity with the adopted Core Policy 1 or the 15, the spatial strategy for Melksham. The site was granted consent (uncontested) as a result of Wiltshire Council being unable to demonstrate a five year supply of developable land and failing the requirements of the previous NPPF (Paragraph 11; tilted balance).

Wiltshire Council Local Plan does not propose allocation of the site, nor does it account for the permission in reduction of the residual housing requirement and associated strategic and JMNP2 requirement.

JMNP2

In principle, development of this site, which is outside of the settlement boundary and part of the countryside, is contrary to Policy 6: Housing in Defined Settlements. Whilst allocation would not alter the settlement boundary, it would regularise the site in principle and enable its detailed matters to be addressed by JMNP2 within a positive plan led approach.

Key JMNP2 Policies

Policy 1: Sustainable Design and Construction

Policy 4: Ultra Low Emission Vehicle Charging

Policy 5: Pre-application Community Engagement

Policy 6: Housing in Defined Settlements

Policy 7.3 Land South of Western Way

Policy 8: Infrastructure Phasing and Priorities

Policy 11: Sustainable Transport and Active Travel

Policy 12: Green and Blue Infrastructure

Policy 13: Biodiversity

Policy 14: Open Spaces

Policy 17: Trees and Hedgerows

Policy 18: Landscape Character

Policy 20: Locally Distinctive, High Quality Design

Justification

Engagement

Land owner engagement has been undertaken in April 2024 to confirm the ongoing availability of the site for allocation.

Wiltshire Council has confirmed that allocation of Land South of Western Way by JMNP2 is reasonable and meets basic conditions. Case studies within Wiltshire have established precedents that allocation of sites with outline consent are sound (Calne Neighbourhood Plan 2016 - 2026).

Previous Regulation 14A consultation on JMNP2 did not address the new circumstances of the appeal decision. Members of the community supported designation of *the site as a Green Wedge*.

Regulation 14B feedback from the community was limited to two responses, both of which expressed disappointment about the granting of outline permission at appeal.

Effectiveness and Deliverability

Owner engagement has confirmed the intention to progress detailed reserved matters planning applications and the ongoing availability of the site.

The site is greenfield and assessed to be a reasonable alternative by Wiltshire Council's Reg19 Draft Local Plan sites assessment evidence base.

Access to the site and high level capacity and landscape parameters have been established through the outline planning application process.

Conclusion

The site was previously proposed as a Green Wedge (JMNP2 Policy 19). Appeal decision on outline application PL/2022/08504 removes this ability and establishes the principle for residential development of the site for 210 dwellings and a 70 bed care home. Important matters of detail remain to be resolved.

Allocation seeks to regularise and take account of the delivery of the housing inside the JMNP2 period and proactively guide the quality of the detailed scheme to optimise its conformity with JMNP2 objectives and policies.

The approach has been found reasonable and sound by previous Made NDPs and will contribute to sustainable development.

Shaw and Whitley

7.4 Whitley Farm

The Site

The approximately 1.2 hectare site is located within the south western area of the village of Whitley. Whitley Farm is located to the south of First Lane and lies adjacent to Plane Tree Close.

The farm is set within its rural landscape, including the rural gap between Shaw and Whitley.

In terms of the surrounding area, adjacent to the northern boundary of the site is residential development on First Lane, Plane Tree Close and Springfield Gardens. The majority of these dwellings are single storey or dormer bungalows, and there are no windows overlooking the site directly. The site is within close proximity to a number of village amenities, including Pear Tree Inn, Daisy Chain nursery, the Community Shop and Whitley Reading Rooms.

There are three Listed Buildings within the locality of the site; a Grade II listed mounting block to the right of the farm entrance, the Tithe Barn (Grade II) and Whitley Farmhouse (Grade II).

The adjacent farm yard comprises a cluster of agricultural buildings and a significant area of hardstanding. Modern agricultural buildings are in poor repair, which have varying heights rising to a maximum of circa 3.5m to the tallest ridge. There appear to be a number of ad-hoc uses within these.

Farm structures, unused equipment and detritus have spread into the rural edge of the site and damaged hedges and walls.

The site is not the subject of any landscape designations that would result in additional constraints to development proposals, and the site is located outside of a flood zone.

Vehicle access is provided along the north western boundary of the site from First Lane, and there is ad hoc parking surrounding the agricultural buildings. There is a significant amount of extraneous agricultural deadstock and material dispersed throughout the site. The site is traversed by an access road which runs from the north to southern boundary of the site.

Availability

The owner's agent has stated that the farm is currently under-used for agricultural purposes and is redundant and not viable for modern farming practices.

Whitley Farm (the site) is available, and the owner is promoting /supportive of an allocation of the site in the Joint Melksham Neighbourhood Plan 2 (JMNP2) to enable the conversion of the listed farm barn and redevelopment of the farm yard.

Assessment

Stage 1 and 2 Assessment

“The site is potentially suitable for allocation for residential development.

The site predominantly consists of modern agricultural outbuildings and three Grade II listed structures including Whitley Farm (proposed for conversion) and Whitley Farmhouse (proposed for conservation). It is adjacent to the built up area and settlement boundary of Whitley and is in close proximity to local services along First Lane.

The submitted information notes that the deteriorating farm complex is no longer required for agricultural use as the current road layout is unsuitable for accommodating agricultural machinery and the condition or layout of the buildings is no longer appropriate for modern agricultural requirements.

There are three Grade II listed buildings or structures within the locality of the site. Residential development of the site has the potential to enhance the setting of the existing heritage assets and better reveal significance through high quality design and demolition of the modern agricultural buildings, subject to further consultation with Historic England and the Wiltshire Council’s heritage officers, as well as heritage assessment. The adaptive reuse of disused agricultural buildings also helps bring heritage assets into productive use.

The site currently plays a supporting role in the rural transition of Whitley to the open countryside and has some indivisibility with the wider landscape area. However, owing to the scale of the existing agricultural outbuildings and built structures, the change introduced by its redevelopment and conversion of the site would be limited and could be further mitigated through sensitive design and the introduction of an appropriate landscape buffer. This should take into account views to and from the Public Rights of Way along the southern edge of the site and retain and enhance existing semi-mature trees on site. Development of the site provides an opportunity to help soften the settlement edge.

Other key constraints identified include the potential loss of Grade 3 Agricultural Land and surface water flood risk which would need to be further investigated and/or mitigated.”

JMNP1 Allocation Process

Whitley Farm was promoted for allocation to enable the development of c22 dwellings across the existing farmyard. Engagement with Wiltshire Council and Historic England and an independent heritage assessment undertaken by JMNP2 concluded this was harmful over development. The allocation could not be made.

Engagement

Land Owner

The landowner and agent have undertaken simultaneous dialogue with both Wiltshire Council Planning and Heritage services and the JMNP2 Steering Group.

Both have been informed by site assessment and concept residential schemes. These have been amended through a process which has stretched over the making of JMNP1 and drafting of JMNP2. This material is included as appendices to this topic paper.

A revised and reduced pre-app scheme was submitted to Wiltshire Council in November 2020, seeking feedback on the acceptability of the layout of the proposals and design concepts. Regard was given to the guidance in the Farmstead Assessment, the design approach sought to reflect the conversion of a historic farm yard. The dwellings could, in principle, reflect and respond to the rural character of the existing heritage farm buildings, but also include elements of materials found in modern agricultural buildings. A variety of building heights and scales would enable a response that is considered entirely appropriate for the site's edge of settlement location.

Following initial discussions, it was agreed that a minimum of 10 dwellings can be delivered on the site. A further illustrative concept scheme for 21 dwellings (18 new build and 3 through conversion) was assessed by WC. Pre-application response dated 1 Feb 2021 confirmed *'the scheme now shown does include a more typical farmyard layout with a multi yard approach, varying building heights and mixture of retention of historic buildings with new build 'conversions' of traditional farm buildings and more modern farm buildings in terms of style. This mix has the potential to result in an acceptable scheme with more detailed development of the plans.'* However, it was stressed that this was restricted to the design and that the principle of residential development of the farm site was not addressed or agreed. Minutes of pre-application discussions consider that allocation by JMNP2 could enable the change of use.

Further engagement with Wiltshire Heritage Service by JMNP2 representations in a follow-up to WC Reg14B response and objection emphasised that the case was not made to change use, but also stepped back from opinions provided through pre-application engagement with the site owner.

Redundancy of Agricultural Uses

Community feedback and site observation identified that the farm yard was, to an extent, still in agricultural use for the storage of feed and tractors. The land owner's agent confirmed that there is a tenant farmer. However, it was also stated that the medium to long term farm estate operational plan did not include use of Whitley Farm due to its constrained character and poorer quality of access. For this reason, it is considered redundant by the site owner.

In considering the future of the site within the plan period, it is apparent that the farm and farm yard buildings are in partial agricultural use but in poor condition. It is accepted that the owner may consolidate activities and cease to use Whitley Farm. But it is noted that the ongoing agricultural use illustrates the farm is not wholly redundant at present.

To enable JMNP2 to address community wishes to enhance the farm, the allocation would therefore support new uses only where satisfactory evidence of non-viability of agriculture was presented.

JMNP2 – Wiltshire Council

JMNP2 has progressed consideration of this site in discussion with the landowner's agent and Wiltshire Council. However, representations made by Wiltshire Council to the draft allocation within JMNP2 during the initial Reg14A and Reg 14B consultation in Autumn 2023, raised an in-principle objection to its allocation for residential development.

'Conservation/Heritage (summary) Conclusion:

In our opinion the draft plan fails to demonstrate that a housing allocation (which necessarily commits the LPA to a specific quantum and type of development) on this site will be compatible with the statutory duties placed on the Council under Sections 16 and 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 or with the aspirations set out in the Council's own policies set out in the Core Strategy and, in due course, the Local Plan. Officers object to the inclusion of this policy."

In September 2024, following receipt of Wiltshire Council's Reg14B objection, further discussion was held between Wiltshire Council Heritage and Planning Services and JMNP2 representatives to resolve an approach that would be supported as in general conformity with the adopted development plan.

It was suggested that should the site be redundant that an allocation to support conservation led regeneration that enables protection and enhancement of the heritage assets could be supported in principle. However, this could not include a specific reference to housing numbers or an extent of development as the allocation evidence was not supported by a suitably robust heritage assessment.

Key Objectives

- Supporting sustainable development of new housing and associated facilities within settlements, and adjacent to settlements.
- Protecting settlements' rural setting and countryside gaps.
- The retention, regeneration and intensified use of previously developed land.
- Conserving and enhancing the quality of the natural landscape.
- Ensuring that new development is sympathetic to our built heritage and the character of the area, with high standards of design.

Policy Context

JMNP2

In principle, development of this site, which is outside of the settlement boundary and part of the countryside, is contrary to Policy 6: Housing in Defined Settlements. However, delivery of the site as an allocation enables local housing need to be addressed and a number of JMNP2 objectives to be achieved.

Key JMNP2 Policies

Policy 1: Sustainable Design and Construction

Policy 6: Housing in Defined Settlements

Policy 7.3: Land at Whitley Farm, Whitley

Policy 12: Green and Blue Infrastructure

Policy 13: Biodiversity

Policy 18: Landscape Character

Policy 20: Locally Distinctive, High Quality Design

Policy 21: Local Heritage

Wiltshire Council Core Strategy

Core Policy 1 recognises Whitley, together with neighbouring Shaw, as a Large Village.

Core Policy 48 deals with development proposals outside the limits of development of Large Villages and supporting rural life, which reads:

“Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:

The building(s) is / are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building;

and

ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and

iii. The building can be served by adequate access and infrastructure; and

iv. The site has reasonable access to local services or

v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding”

In terms of use, the Policy offers some flexibility to the strict application of the above, noting that *“Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria.”*

Core Policy 57 requires development proposals to be carefully planned to ensure valuable features and characteristics are protected and enhanced. Applications for new development will be expected to make a positive contribution to the character of Wiltshire through, for example, being sympathetic to and conserving historic buildings and historic landscapes and making efficient use of land.

Core Policy 58 relates to ensuring the conservation of the historic environment. It states that the designation of a listed building does not preclude the possibility of new development and the council is committed to working pragmatically with owners to find positive solutions which will allow adaptation of such buildings to reflect modern living aspirations.

Wiltshire Local Plan

As already set out, the emerging WLP identifies a housing requirement for a further c70, with a residual of c50 dwellings, to be planned for at Shaw and Whitley in the period up to 2038.

Justification

The site is in poor condition. Its condition adversely impacts on the setting of the village and does not contribute positively to the on-site listed buildings. It is not efficiently used. However, it is not currently entirely un-used for agriculture but has potential to contribute to be enhanced and contribute towards meeting local housing needs through a proposal that justifies the change of use and suitability of residential development in the context of the listed buildings.

Regulation 14 representations made on behalf of the land owner indicate that it is probable that during the lifetime of the JMNP2 the site will become redundant for all agricultural uses. JMNP2 aims to enable the optimum re-use of the site to meet community wishes and protect the heritage assets in these circumstances.

The proposed allocation has been informed by conceptual designs provided by the site promoter. These have been the subject of pre-application consultation with Wiltshire Council with regard to Heritage England’s Farmstead Assessment and initial Heritage Statement of the significance of heritage buildings at Whitley Farm. Wiltshire Council does not accept these as sufficiently robust evidence to support a residential allocation. However, they illustrate a potential for development should such evidence be provided through a planning/listed building application.

Whilst significant evidence has been provided to indicate that c10-15 dwellings may be appropriately accommodated alongside the conversion of the listed barn, JMNP2 has given significant weight to ongoing and unwavering objections made by Wiltshire Council to the inclusion of a housing commitment for the site. The allocation will therefore not specify the land uses or any extent of development.

Where it is established that the site is underused and not viable in whole or part for ongoing agricultural uses, the allocation seeks to enable the replacement of a number of existing farm buildings at Whitley Farm and the potential re-use of the listed barn. This can secure the long term future and condition of the listed barn and enhance the setting of the listed buildings and surrounding countryside setting.

Effectiveness and Deliverability

The site has been subject of an independent viability assessment based upon residential development. This concludes that about 10-15 dwellings are viably capable of delivering allocation parameters and contributions.

The site owner and its agent have consistently promoted the site for allocation. Reg 14B representations indicated that an allocation that did not specify a housing capacity number could be acceptable and retain the site's availability.

See matters relating to redundancy above.

Conclusion

The allocation of the site provides a deliverable and sustainable basis upon which to enable the appropriate protection and enhancement of the character of Whitley, the setting of the farm listed buildings and rural setting and the listed buildings themselves when it is established that they are no longer viably capable of supporting ongoing agricultural uses.

Concerns raised in relation to potential excessive development and harm to the listed buildings have been addressed through removing a commitment to a housing number and broad location for development.

The enabling allocation responds to the wishes of the community to see the site enhanced and supports the principle of the site regeneration in the context of its viable future use.

7.5 Middle Farm, Whitley

The Site

The 3 hectare site is formed from 1.6 ha of land previously allocated for residential development in the first JMNP and a further 1.5 ha of a 7.5 hectare site MEL07, immediately to its east. The site is currently greenfield in agricultural use outside of, but adjacent to the settlement boundary of Whitley.

Availability

The owner has re-confirmed the availability of the revised combined site. Initial pre-application engagement with Melksham Without Parish Council commenced in November 2022, and then again from June 2024, demonstrating the progress towards delivery of development.

Assessment

Stage 1 and 2 assessments were carried out for Land at Middle Farm, Whitley, two separate sites;

- Plot A (SHELAA Site 3148). 1.6 ha Land already allocated by JMNP1
The site is suitable for allocation of residential development. The site is allocated for residential development in the made Joint Melksham Neighbourhood Plan 2020-2026 for approximately 18 dwellings (Policy 7), which establishes the principle of residential development at this location. The site has been confirmed as available in October 2022 and a planning application is currently being prepared. No more recent or additional information available changes the suitability, availability and achievability of the site.
- Plot B (MEL 07). Land at Middle Farm to the rear of Plot B
The site is unsuitable for allocation for residential development. The site is a greenfield outside but adjacent to the defined settlement boundary of Whitley. It is currently removed from the built up area but adjacent to Site 3148 allocated for residential development in the made Joint Melksham Neighbourhood Plan. The site strongly relates to the rural character of Whitley. Development of the site would constitute a substantial expansion of Whitley to the open countryside disproportionate to its scale, settlement function and service levels.

The site plays a critical role in providing a rural setting to Whitley to the east as a buffer between the settlement and the electricity substation. Its change of use would be contrary to the Management Strategy for this Landscape Character Area, which seeks to maintain and conserve the peaceful rural nature of the area with the villages set in their surroundings of arable and pastoral farmland. This change is likely to

have a direct adverse impact on the openness, tranquillity and visual amenity of the rural transition experienced by users of the Public Rights of Way across the northern boundary of the site.

The site is not currently connected to the adopted Highways Network although potential vehicular, pedestrian and cycle access could be created through Site 3148 in the same land ownership.

Other key constraints identified include potential impacts on the indicative Green Infrastructure Corridor, loss of Grade 3 Agricultural Land, potential impacts on designated heritage assets and proximity to the electricity substation

Stage 3-5 Assessment

Continuation of the pre-existing site allocation was agreed.

The Stage 3-5 assessment considered all potentially suitable sites with regard to existing and proposed land designations and following closer analysis of each site capacity and context.

Sites were excluded where they were within or adversely impacted on the proposed Green Wedges that;

- (a) protected Shaw from coalescence with Melksham and
- (b) protect the distinctiveness and gap between Shaw and Whitley

They were also not taken forward where it was judged that they were poorly related to the existing settlements, requiring significant new highway connections or caused visual impact upon the rural setting of the villages.

A record of these assessments is available below.

As a result of stage 3 assessments there was insufficient suitable site capacity to meet housing requirements for the large village. The Working Group revisited sites found to be unsuitable at Stage 1 that had the capacity to contribute to meeting housing needs efficiently and with potential for mitigation.

Following this process, linked sites at Middle Farm were proposed. The initial proposed allocation of Plot B for c40 dwellings allocated the entire 5 hectare plot, with requirements for significant landscape buffering and a public open space. The developable area of c3 hectares enabled a low density development.

Following the review of Reg14A representations, further consideration of sites was undertaken to resolve a positive response and justified sound allocation at Whitley or Shaw.

Key Objectives

- Planning for new development that addresses the impact of climate change.

- Supporting sustainable development of new housing and associated facilities within settlements, and adjacent to settlements.
- Conserving and enhancing the quality of the natural landscape.
- Protecting settlements' rural setting and countryside gaps between Melksham, Bowerhill and surrounding villages.
- Ensuring that new development is sympathetic to our built heritage and the character of the area, with high standards of design.
- Promoting opportunities for people to lead healthier lifestyles with a greater sense of well-being.
- Promoting the delivery of infrastructure to address the needs of the population.
- Encouraging cycling and walking and journeys by rail and bus to reduce the need to travel by car.
- Protecting, connecting and increasing our network of green spaces.

Key Policy Context

Policy 1: Sustainable Design and Construction

Policy 3: Flood Risk and Natural Flood Management

Policy 6: Housing in Defined Settlements

Policy 7.4: Land at Middle Farm Plot A

Policy 7.5: Land at Middle Farm Plot B

Policy 12: Green and Blue Infrastructure

Policy 17: Trees and Hedgerows

Policy 18: Landscape Character

Policy 20: Locally Distinctive, High Quality Design

Policy 21: Local Heritage

Engagement

Regulation 14A

The Regulation 14A version of JMNP2 included two separate but related proposed allocations;

7.3 Plot A, rolling the pre-existing 1.6ha allocation for 18 dwellings forward.

7.4 Plot B, proposing allocation of a further c40 dwellings.

Justification

Regulation 14A representations considered the allocation of the whole site unjustified and contrary to assessment advice, whereas potentially suitable land at Folly Lane (MEL 11) had not been selected. This was considered unsound.

Assessment Conclusions

Regulation 14 Representations for both sites at Middle Farm and Folly Lane submitted concept design material that supported the allocation or partial allocation of the sites. This helped further assessment of the relative merits in comparison with the proposed allocation at Middle Farm.

Stage 2 assessment identified that;

The site plays a critical role in providing a rural setting and separation between Whitley and Shaw. Development of the site in its entirety would result in the direct coalescence between Shaw and Whitley,

It is recognised that proposed development at Folly Lane (MEL 11) could be divided into separate allocations which;

may offer opportunities to retain the physical, visual and perceived separation

Regulation 14 representations provided further detail about how this may be achieved.

To achieve an allocation to meet further housing requirements (in addition to that proposed at Middle Farm Plot A and Whitley Farm) only requires allocation of land to enable development c40 dwellings.

In considering the promoted allocation at Folly Lane JMNP2 assessment gave significant weight to the objective of maintaining the separation between Shaw and Whitley and concluded the partial and entire allocation would erode and cause visual impact on the highly valued rural gap between villages and views between Shaw and Whitley. This is considered more harmful than the potential impacts caused at Middle Farm.

In addition, whilst both proposed sites were relatively similar in their level of connectivity to local services, land at Middle Farm Plot B could be accessed using access already allocated for Plot A and the site enables the delivery of enhanced pedestrian crossing facilities on Corsham Road, connecting communities to education and sports facilities. Achieving access to land at Folly Lane would necessitate further highway access points and road infrastructure causing harm to existing rural lane hedgerow and “suburbanisation”.

Both Folly Lane and Middle Farm sites have potential impacts on the setting of heritage assets. However, those relating to Middle Farm have been accepted and mitigated through the pre-existing allocation (7.4) and are considered less direct than impacts on the rural setting of Whitley Farm by the Folly Lane site. Nonetheless JMNP2 Steering Group recognise the need to minimise visual impact caused by allocation of additional land at Middle Farm as identified within the AECOM assessment.

With the written agreement of the site owner, JMNP2 has reviewed and significantly revised the approach to the allocation of Land at Middle Farm with the aim of significantly reducing the extent and visual impact of development and making more efficient use of a smaller and combined single new allocation.

The revised allocation consolidates the development of c55 dwellings into a single 3 hectare site that combines Plot A and 1.5 hectares of Plot B. This leaves 6 hectares of site MEL07 in agricultural use. The combined site enables residential development at under 30DPH, which reflects 20th century densities in Whitley. It also provides 1 hectare of land reserved for buffer green infrastructure and amenity space. This further reduces the visual presence of proposed housing and reinforces the buffer separation between the village and intrusive electricity sub-station.

Conclusion

With proposed amendments to the allocation, it is concluded that the revised allocation at Middle Farm is the most efficient, least intrusive and deliverable option for meeting housing requirements.

Response to Specific Regulation 14B Representations made on behalf of Land at Folly Lane

Introduction

This response addresses representations submitted in support of the allocation of site MEL11, land at Folly Lane, by Pegasus Planning. Representations advocate the allocation of MEL11 as preferable and object to the non-allocation of all or part of the site. Representations also assert that the allocation strategy for Middle Farm at Shaw and Whitley is unfair, unjustified and profoundly unsound.

This response addresses this objection. It is made in addition to matters covered in evidence and the site allocation topic paper published with JMNP2 Reg14B.

It is not proposed to amend the allocation strategy for Shaw and Whitley.

Obligations of JMNP and Positive Planning.

There is no obligation on JMNP2 to allocate sites to fully or partially meet the identified draft housing requirement proposed by the Regulation 19 Wiltshire Local Plan. Furthermore, JMNP2 is not required to have regard to emerging NPPF and housing land requirement changes proposed by the new government. Nonetheless JMNP2 plans to allocate land for housing and mixed use development that meets a very substantial proportion of the entire draft neighbourhood plan housing requirement for Melksham and Shaw and Whitley set in the emerging Wiltshire Local Plan up to 2038. In doing so, it has adopted a proactive and positive approach to coordination of strategic and neighbourhood plan site allocations to meet identified needs.

Consultation

It is an unfounded accusation that the owner has been treated unjustly in the assessment process.

Owners of land at Folly Lane failed to register the site within the timescale allowed for submissions to the call for sites. JMNP2 Qualifying Bodies granted late inclusion of site MEL 11 in the interests of enabling a thorough assessment of all potential development sites.

All site promoters have had the opportunity of making representations twice to the JMNP2 proposals. The promoters of MEL 11 have utilised both opportunities and provided comprehensive comments and information, for which the JMNP2 sites topic paper acknowledges.

At both stages the Qualifying Bodies and Steering Group have fully considered all representations made, and made modifications to proposed allocations where they were considered to be material and reasonable.

Engagement with affected site promoters as part of consideration of modifications was necessary and reasonable in ensuring that landowners would maintain the availability of their sites with modifications, prior to their publication.

The process is therefore soundly based upon consultation and expressing the community's wishes.

Consideration of objections and responses to modifications

Governance

Topic paper records that the qualifying bodies appointed a steering group and specific sites working group of councillors and local people to progress and recommend the approach to site allocation that dovetails technical assessment with representative preferences expressed on behalf of the community.

Assessment Process

The sites topic paper sets out the five stage sites identification, assessment and proposed selection process that was undertaken prior to, and following, owner and community consultation.

Contrary to the assertions made by Pegasus Planning on behalf of the promoters of site MEL 11, Land at Folly Lane, it is clear that the JMNP2 selection of preferred sites attributed significant weight to the AECOM sites assessment report that formed Stage 1 and 2 of the assessment process.

Notwithstanding the Stage 2 overall assessment, judgements made by AECOM to conclude MEL11 was potentially suitable and MEL8 unsuitable, assessments considered that in relation to landscape issues, both sites of very similar qualities of landscape and visual amenity sensitivity.

In respect of land at Folly Lane, the Stage 2 assessment considered;

Sensitivity in terms of landscape

Sensitivity in terms of landscape?

AECOM assessment	Site MEL 7	SITE MEL 11
<i>Sensitivity in terms of landscape</i>	<p>High Sensitivity <u>The site contains limited landscape features at present and has a simple landform, however it makes a positive contribution to the rural and tranquil landscape character of this part of Whitley and plays a key role in supporting the transition of Whitley to the open countryside. In particular, it plays a key role in providing a rural setting to Whitley to the east as a buffer between the settlement and the electricity substation. Development of the site would represent a significant advancement into open countryside. Its change of use will be contrary to the management strategy for this Character Area.</u></p>	<p>High sensitivity; <u>The site has highly valued features, and/or valued features that are highly susceptible to development. The site can accommodate minimal change.</u> ... <u>The site currently plays a critical role in providing a rural setting and separation between Whitley and Shaw. It is perceived as part of the wider countryside, strengthened by the open landscape to the east and west accessible via footpaths. Development of the site in its totality would result in the direct coalescence between Shaw and Whitley, representing a substantial extension to both villages and altering their existing settlement pattern.</u></p>
Sensitivity in terms of visual amenity	<p>Sensitivity in terms of visual amenity? Medium to high sensitivity <u>The site is partially visually enclosed but has some intervisibility with the surrounding landscape and may impact on views to Whitley and the Open Countryside from the Public Rights of Way along its northern boundary. This could be potentially mitigated through sensitive design</u></p>	<p>Medium sensitivity: <u>“... development of the site would impact on views of the surrounding limestone lowland landscape from Shaw Hill.”</u></p>
Development of the site result in neighbouring settlements merging into one another?	<u>“No. ...”</u>	<p>Yes. <u>Development of the site in its totality would directly</u></p>

		<i><u>result in the coalescence between Whitley and Shaw. ...However, the two settlements exhibit different settlement characters and are perceived to be distinct from one another by the local community, as set out in the Rapid Community Character and Distinctiveness Statement and the emerging Green Gap and Green Wedge Assessment for the Joint Melksham Neighbourhood Plan.</u></i>
<u>Designated Heritage</u>	<i>Site is located in close proximity to several Grade II listed buildings along Corsham Road. ...</i>	<i>The site is in close proximity to several Grade II listed heritage assets including multiple rural houses and Whitley Farm, and it may contribute to their agricultural setting.</i>

Stage 3 Assessment

Stage 3 of the selection process recorded in the sites topic paper considered Stage 1 technical findings against other listed factors. This included how development performed against made JMNP1 and revised JMNP2 objectives. This is a sound process that weighs strategic and local circumstances and aims with the technical assessment.

In this regard significant weight was given to how sites performed in relation to made and emerging JMNP objectives. In particular, weight was given to high quality built and natural environment objectives:

Viability

Site allocations are expected to be capable of delivery within the plan period. Proportionate viability testing has been undertaken on proposed previously developed land allocation sites. It is not required that all potential sites be viability tested as part of an overall assessment, although the Stage 2 AECOM report has considered constraints that would affect deliverability.

Made JMNP1

Conserving and enhancing the quality of the natural landscape. Ensuring that new development is sympathetic to our built heritage and the character of the area, with high standards of design.

Proposed JMNP2

Protecting settlements' rural setting and countryside gaps between Melksham, Bowerhill and surrounding villages.

When both MEL7 and MEL 11 were considered in the context of these objectives, protection of the rural gap between Shaw and Whitley, as identified in the Stage 2 AECOM assessment, was of greater importance. In principle the whole or partial development of site MEL 11 was concluded to be contrary to achievement of this objective. This is not the case with site MEL 7. Furthermore, whilst the AECOM assessment report and Reg14A representations raise issues with the extent of proposed site allocation at Middle Farm, this matter did not impact on potential coalescence of settlements and is proposed to be mitigated through a more efficient use of the whole development area, including revising the density of proposed development on the made site allocation.

Policy

The topic paper lists the JMNP2 policy framework that is most relevant to the selection of sites for allocation.

Representation asserts that it is unreasonable to consider any of site MEL11 on grounds that it would erode the separation and rural setting of between Shaw and Whitley, and that proposed landscape mitigation would not adequately address impacts.

Clause iii of made JMNP 1 Policy 17; Landscape Character, requires development to “respond sensitively to the transition between settlement and countryside and maintain the separate identity of settlements.”

The AECOM assessment identified the risk imposed by development of site MEL11 to conformity with this policy in principle. This is not the case with site MEL7.

JMNP2 draft policy 19; Green Wedges, identifies the extent of proposed green wedges or gaps to be protected by JMNP2. It is acknowledged that the extent of the defined wedge proposed between Shaw and Whitley does not include MEL11, which is located at its boundary. In principle therefore draft JMNP2 Policy 19 does not directly apply. However, it does not follow that open countryside land adjacent to and outside of the tightly defined boundary plays no role in maintaining the separation between Shaw and Whitley. AECOM's assessment of the site considered it does.

In reaching the conclusion that site MEL11 was not a preferred location for the development of Shaw and Whitley in principle, JMNP2 had regard to AECOM's advice, local knowledge, JMNP1 Landscape Policy 17, JMNP2 Policy 19 (Green Wedges) and community wishes. This was a robustly evidenced, justified and soundly made conclusion.

In considering site MEL7, regard was given to the AECOM assessment report and further representations criticising the extent of the allocation proposed in the Reg14A Plan (Site 7.5).

The sites topic paper makes clear that the steering group have sought to respond positively to meeting the housing requirement in locations that are considered acceptable. This necessitated reviewing sites that AECOM did not consider potentially suitable. The approach proposed in allocating c2 hectares of site MEL8 is a significant reduction in its extent and therefore visibility and impact. This is not a “tweak” as expressed by Pegasus Planning. It is a substantial response to minimise the harmful visual impacts identified by AECOM and Pegasus.

The review of the made allocation at Middle Farm (JMNP1 Policy 7) increases development density to c30 dwellings per hectare. This is similar to ambient development densities for groups of smaller houses within villages. The allocation now amends the mix to secure a more efficient use of the 1.6 hectare site and response to the Melksham Housing Needs Appraisal Report (AECOM 2023). This is in conformity with NPPF paragraph 128 and made JMNP Policy 18 (High Quality Design).

As a result, the proposed new single combined allocation JMNP2 Policy 7.4 only requires the addition of a c 1.5 hectare of land to enable delivery of c55 dwellings this includes c1 hectare of green infrastructure, buffer landscape and communal open space maintaining the commitment to green space provision contrary to the misleading assertions made by Pegasus Planning in representations in support of land at Folly Lane.

On its own merits the combined single allocation site that forms proposed Policy 7.4 has had regard to and responded positively to the AECOM assessment, community and agent feedback and harnessed pre-existing allocated land to propose an allocation that is robustly evidenced, justified soundly made and optimises the effective and efficient use of available land.

