

Joint Melksham Neighbourhood Plan 2 (JMNP2)

September 2024

Submission

Modification Proposal Statement

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

September 2024

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1. Introduction

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

“in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.
- 5.1. This Statement serves this purpose and notes the following additional requirements in the Planning Practice Guidance (PPG)². This document is therefore setting out the background reason for the modifications, sets out what individual modifications are and sets out the reasons as to why the Town Council and Parish Council believe that these modifications are material and significant, and therefore change the nature of the Plan.

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

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

2. Background

- 2.1. The Made Plan covers the period up to 2026. The designated neighbourhood area covers the same area as the Town Council area and the Parish Council area which surrounds the town. On 7th July 2021, Wiltshire Council agreed to 'make' the JMNP following a referendum which took place on Thursday 1st July 2021. The results showed 84% of those who voted were in favour of the plan.
- 2.2. The Made Plan – which is referred to as JMNP1 – focuses on a number of key policy areas relevant to the Plan area as a whole, including an allocation of housing in the village of Whitley that contributed to meeting local housing need. The Made Plan can be accessed on the JMNP website³.
- 2.3. Through the Local Plan Review process, Wiltshire Council were also set to allocate land for development in Melksham, but no final decision had yet been made on the precise scale or location of any allocation at the time of drafting JMNP1. It was therefore agreed by the qualifying bodies that allocations in any other location in JMNP1 would be premature.
- 2.4. However, JMNP1 made a commitment to review the Made Plan, once the draft Local Plan Review reached an appropriately advanced stage, in order to determine how the Neighbourhood Plan should respond to strategic housing numbers and allocations in the Local Plan. JMNP1 also made a commitment to pick up on a number of other more detailed issues in a Modified Plan, such as the designation of Local Green Spaces.
- 2.5. The Town and Parish Councils have also been mindful of the housing land supply position in Wiltshire and of how this has led to significant unplanned development proposals being granted planning permission if the weight of the relevant development plan is weakened. As a result, it has examined how a first review of JMNP1 may continue to engage paragraph 14 of the National Planning Policy Framework (NPPF)⁴.
- 2.6. The Neighbourhood Plan Steering Group was reconvened in late 2021 by the Parish and Town Councils after a brief period following the successful referendum vote. The objective was to prepare modifications to the Neighbourhood Plan (referred to as JMNP2) as committed to in JMNP1, and in anticipation of the Local Plan Review reaching what is known as the publication stage ([Regulation 19](#)) of its preparation (27.09.23 – 22.11.23).
- 2.7. For 7 weeks, between the 13th October and 3rd December 2023, a pre-submission Regulation 14 consultation was held on the draft JMNP2. Since the 2023 Consultation on JMNP2, despite local opposition, outline planning permission was granted through appeal for 210 dwellings and a 70 bed care home on Land South of Western Way. In response to feedback from the Autumn 2023 Regulation 14 consultation, significant further work was also undertaken on site allocations at Melksham and Whitley. A second pre-submission Regulation 14 consultation on draft 'B' of the pre-submission draft version of JMNP2 was therefore held in the summer of 2024 for 9 weeks (20.06.24 – 22.08.24). This second round of consultation on the pre-submission draft was held due to significant revisions or updates to allocations of land for housing made under Policy 7, and Policy 19 - Green Wedges.

³ <https://www.melkshamneighbourhoodplan.org/neighbourhood-plan-1>

⁴ National Planning Policy Framework (2023), MHCLG

3. The Proposed Modifications

- 3.1. The purpose of the Statement is to explain the reasons why the Town and Parish Councils consider the proposed modifications to the Made Plan ‘changes the nature’ of the Plan. It should be read alongside the separate Modified Plan document – JMNP2.
- 3.2. The following table, Table A, provides a summary of the modifications – comprising the modified and new policies – and explains why the Town and Parish Councils consider they change the nature of the plan.

Table A: Modifications Summary

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

Policy 7.1: Land at Cooper Tires	This is a new policy. It allocates a key brownfield site in the town for comprehensive and exemplary mixed-use conservation and development.	As this is a new policy that is allocating land for a mixed-use development, it introduces a change to the nature of the plan.
Policy 7.2: Land at the Former Melksham Library Site	This is a new policy. It allocates a brownfield site in the town for residential redevelopment to meet local housing needs including accessible and affordable housing for older and/or disabled people.	As this is a new policy that is allocating land for a residential development, it introduces a change to the nature of the plan.
Policy 7.3: Land South of Western Way, Bowerhill	This is a new policy. It allocates a greenfield site in the parish for residential development that was granted outline permission at appeal.	As this is a new policy that is allocating land for a residential development, it introduces a change to the nature of the plan.
Policy 7.4: Land at Whitley Farm, Whitley	This is a new policy. It allocates a farm site for residential development in Melksham Without subject to criteria set out in the policy being met.	As this is a new policy that is allocating land for a residential development, it introduces a change to the nature of the plan.
Policy 7.5: Land at Middle Farm	This policy updates and extends an existing allocation in JMNP1. The updated policy allocates more houses over a larger area. It contributes to meeting housing targets set by Wiltshire Council through the next Local Plan period up to 2038 for the large villages of Shaw and Whitley.	Whilst the principle for development in this location is already established in the Made Plan, the policy is for the allocation of a new, larger area site. It therefore introduces a change to the nature of the plan.
Policy 8: Infrastructure Phasing and Priorities	This policy has not been updated.	N/A
Policy 9: Town Centre	This policy has been updated to refer to updated evidence base material (Town Centre Master Plan Report 2023) and introduces a new clause (a) that references that document and the priority aims set out by it. A final paragraph has also been added and it references an updated map figure (10).	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 10: Employment	This policy has been updated slightly to remove the final sentence of the first paragraph.	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 11: Sustainable Transport and Active Travel	This policy has been updated slightly to remove reference to Wiltshire Core Policy.	The modifications are minor updates. Therefore this is not considered to change the nature of the plan.

Policy 12: Green and Blue Infrastructure	This policy has been updated to reference 'blue' as well as green infrastructure.	The modifications are minor updates. These modifications are therefore not considered to change the nature of the plan.
Policy 13: Biodiversity	This policy has been updated with minor details (in addition to the required 10% supporting a 20% uplift in Biodiversity Net Gain).	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 14: Open Spaces	This policy has not been updated.	N/A
Policy 15: Community Facilities	This policy has not been updated.	N/A
Policy 16: Local Green Spaces	This is a new policy. Areas of green space that are considered to meet the criteria for Local Green Space Designation are identified.	As this policy is designating land as Local Green Space, the policy has the potential to change the nature of the Plan.
Policy 17: Trees and Hedgerows <i>(This policy was formerly policy 16 in JMNP1)</i>	This policy has been updated to reflect best practice and guidance updated for tree canopy coverage targets in relation to current levels in the Plan area.	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 18: Landscape Character <i>(This policy was formerly policy 17 in JMNP1)</i>	This policy was not proposed to be updated at Regulation 14, but has subsequently been updated in the submission version of the JMNP2 to include a further criterion point (d) with the aim of covering elements of landscape such as openness, tranquillity and amenity that have been highlighted as important through consultation responses.	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 19: Green Wedges	This is a new policy. It identifies areas of countryside where any development should not lead to coalescence of separate settlements.	This is a significant policy addition as this policy is identifying areas of land as 'Green Wedges' that will serve a policy purpose of preventing coalescence between settlements. In light of this, the policy has the potential to change the nature of the Plan.
Policy 20: Locally Distinctive, High Quality Design <i>(This policy was formerly policy 18 in JMNP1)</i>	This is an updated policy which links to a major update to the evidence base which has been produced as part of the Modified Plan process - the Melksham Design Guidelines and Codes (2023). The modification text is within the second paragraph of the policy which now references the Code above rather than a Rapid Community Character and Distinctiveness Statement.	The modifications are not considered so significant as to change the nature of the plan in respect of this modification specifically.

<p>Policy 21: Local Heritage</p> <p><i>(This policy was formerly policy 19 in JMNP1)</i></p>	<p>This is an updated policy. It now references non-designated heritage assets which have been identified through the Plan Modification preparation process.</p>	<p>The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.</p>
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4. Strategic Environmental Assessment

- 4.1. Wiltshire Council considered that, in relation to the modifications, a Strategic Environmental Assessment (SEA) will be required under the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). A SEA (together with an addendum) and Scoping Report are therefore submitted to Wiltshire Council as part of the JMNP2 documentation for the subsequent stages of consultation (Regulation 16) and examination.

5. Conclusion

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